

In the United States Patent and Trademark Office

Applicant(s)	Douglas B. Wilson
Serial No.	10/727,306
Confirmation No.:	5202
Filed	12/03/2003
Title	FATIGUE RELIEVING SUPPORT FOR STEERING WHEELS AND THE LIKE
Examiner	Vinh Luong
Unit	3682

APPEAL BRIEF UNDER 37 C.F.R. §41.37

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SIR:

This is an Appeal Brief pursuant to the Notice of Appeal filed December 6, 2007 appealing the rejection of claims 14-19, 24/14, and 27 in the Office Action dated November 26, 2007.

I. REAL PARTY IN INTEREST

The real party in interest is Douglas B. Wilson, 20 Nichols Road, Cohasset, MA 02025, Applicant/Appellant.

II. RELATED APPEALS AND INTERFERENCES

Appellant has filed an Appeal with regard to U.S. Patent Application Ser. No. 10/720,821 filed November 24, 2003, on even date. U.S. Patent Application Ser. No. 10/720,821 is the parent of the present application. A number of issues to be decided in that the Appeal with regard to U.S. Patent Application Ser. No. 10/720,821 are the same or similar to the issues to be decided in the present Appeal. Therefore, the decisions in the Appeal related to U.S. Patent Application Ser. No. 10/720,821 would directly affect or have a bearing on the Board's decision in this Appeal.

III. STATUS OF THE CLAIMS

Appellant filed a Request for Continued Examination (RCE) on October 30, 2007. Claims 14-19, 24/14, and 27 were pending in the present application when the RCE was filed, and these claims are presented on appeal.

Claims 1-13 were the original filed claims. In the Response dated October 27, 2005, Appellant cancelled claims 1-13 and added claims 14-28. In the Office Action dated December 30, 2005, the Examiner issued a restriction requirement. In the Amendment and Response to Restriction Requirement dated January 30, 2006, Appellant selected the species of Figures 1, 3, and 4 that were readable on claims 14-19, 24/14, and 27 to prosecute in the present application. Further, claims 20-23, 24/20, 25, 26, and 28 that were not selected were considered by the Examiner to be withdrawn from prosecution in the present application.

In the Office Action dated November 26, 2007, claims 14-19, 24/14, and 27 have been finally rejected under 35 U.S.C. §112, second ¶, for indefiniteness and under 35 U.S.C. §102 for anticipation in light of U.S. Patent No. 1,575,848 to Laubach et al. ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically with regard to the latter rejection, the Examiner relied on Van Arsdel or Anson in rejecting claims 14-17, 19/17, 24/14, and 27 for anticipation; and Laubach in rejecting claims 14, 18, and 19/18 for anticipation. The indefiniteness and anticipation rejections to claims 14-19, 24/14, and 27 are appealed.

The Examiner also has provisionally rejected claims 14-19, 24/14, and 27 under the judicially created doctrine of obviousness-type double patenting over claims 20-28 of co-pending, parent application U.S. Patent Application Ser. No. 10/720,821, filed November 24, 2003. This provisional rejection is not being appealed at this time. However, if the Board reverses the Examiner in this Appeal and the Appeal with regard to U.S. Patent Application Ser. No. 10/720,821, Appellant will file a terminal disclaimer to overcome any obviousness-type double patenting rejection.

IV. STATUS OF AMENDMENTS

Claims 1-13 were the original filed claims. Claims 1-13 were cancelled and claims 14-28 were added in the Response dated October 27, 2005. Claims 14-28 were added to overcome the Examiner's basis for rejecting claims 1-13 for anticipation under 35 U.S.C. §102(b) based separately on U.S. Patent No. 4,708,676 to Lin ("Lin"), U.S. Patent No. 4,875,386 to Dickinson ("Dickinson"), and U.S. Patent No. 3,937,629 to Hamasaka ("Hamasaka"). The Examiner responded to the October 27th Response by issuing a restriction requirement in the Office Action dated December 30, 2005. In Appellant's Amendment and Response to Restriction Requirement dated January 30, 2006, Appellant selected the species of Figures 1, 3, and 4 that were readable on claims 14-19, 24/14, and 27 to prosecute in the present application. In this Amendment, Appellant also amended Claims 14, 17, 18, and 20 to more distinctly claim the invention. Further, claims 20-23, 24/20, 25, 26, and 28 that were not selected were considered by the Examiner to be withdrawn from prosecution in the present application as evidenced in the Office Action dated March 30, 2006.

In an Amendment dated June 12, 2006, Appellant amended claims 15 and 17 to overcome indefiniteness rejections under 35 U.S.C. §112, second ¶, that was raised in the prosecution of U.S. Patent Application Ser. No. 10/720,821, the parent application to the present application, to similar claim language. This was done before it was raised in the present application. This amendment to the claims 15 and 17 was repeated in the Response filed June 26, 2006 (Appendix C to the Evidence Appendix), because the Examiner had not previously entered these amendments to the claims. The Examiner did enter these amendments to Claims 15 and 17 after Appellant filed the June 26th Response as evidenced in the Office Action dated July 14, 2006. There were no further amendments to the claims.

Claims 1-13 were rejected in the Office Action dated April 26, 2005. These claims, as stated, were cancelled in the Response dated October 27, 2005. Claims 14-19, 24/14, and 27 were finally rejected in the Office Action dated March 30, 2006. The rejection in the March 30, 2006, Office Action was made final because the Examiner contended that "Applicant's amendment necessitated the new ground(s) of rejection presented in the Office Action." Applicant filed the Notice of Appeal on August 25, 2006. Appellant did not amend the claims in the Appeal Brief. The Examiner issued an Examiner's Answer on September 13, 2006 and Appellant filed a Corrected Appeal Brief and Reply Brief on October 26, 2006.

Appellant filed the RCE on October 30, 2007 with an Information Disclosure Statement (IDS). The IDS was directed to prior art for the Examiner to consider that was identified in a search report in a counterpart European application. In the November 26, 2007 Office Action, the Examiner issued a final rejection of claims 14-19, 24, and 27 on the same grounds as previously set forth in the Office Action dated March 30, 2006. In the November 26, 2007 Office Action, the Examiner did not rely on any of the newly cited and considered prior art to form a basis of rejection.

Claims 14-19, 24/14, and 27, as amended in the Response dated June 26, 2006, are hereby presented in the Appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to a novel system and method that is associated with a steering wheel for relieving or preventing fatigue when driving a vehicle for extended periods of time. The system will at least provide support for a portion of the driver's body, such as wrists, to relieve or prevent fatigue. (Specification: Page 2, lines 5-10) The present invention also provides that the second section may be rigid, semi-rigid, non-deformable, or flexible. Of the pending claims, claim 14 is an independent claim and claims 15-19, 24/14, and 27 depend directly or indirectly from claim 14.

Claim 14 recites a fatigue relieving/preventing apparatus that has two sections.¹ According to claim 14, the first section connects to the periphery of the steering wheel. (Specification: Page 3, lines 19-26) The second section connects to, and extends outward from, the first section at an angle to a plane across the face of the steering wheel and the second

¹ The Claims Appendix contains a full version of amended claim 14.

section, as stated, may be rigid, semi-rigid, flexible, or non-deformable. The second section will support, for example, the driver's wrists, as long as the pressure on the second section is less than the pressure necessary to deform it. However, when greater than the deforming pressure is applied to the second section, such as in an emergency, this section will deform out of the interference with the driver's ability to grab the steering wheel. (Figures 1, 2, 3, 4; Specification: Page 3, lines 19-32; Page 4, lines 10-23; Page 5, line 15 to Page 6, line 3)

Claims 15-19, 24/14, and 27 add further limitations to claim 14. Claim 15 adds that the steering wheel may control nautical vessels, aircraft, or ground transportation vehicles. (Specification: Page 2, lines 18-21; Page 8, original claim 2) Claim 16 adds that the second section can support the forearm, wrist, or hand. (Specification: Page 5, lines 11-14; Page 8, original claim 3) Claim 17 adds that the first section extends a predetermined length of the periphery of the steering wheel. (Figures 1 and 2; Specification: Page 3, lines 18-31; Page 4, line 29 to Page 5, line 7; Page 8, original claim 4) Claim 18 adds that the second section includes at least two sections that connect to the first section. (Figure 2; Specification: Page 4, lines 10-13) Claim 19 adds that the first section is deformable. (Specification: Page 3, lines 18-25) Claim 24/14 adds that the first section is formed integral with the steering wheel. (Figures 1 and 2; Specification: Page 5, lines 1-3) Claim 27 adds that the first section may be rigid, semi-rigid, or non-deformable. (Specification: Page 3, lines 18-25) Appellant notes for the purpose of this Appeal that Claim 27 recites that the first section may be flexible, rigid, semi-rigid, or non-deformable. However, the specification supports that the first section may be rigid, semi-rigid and non-deformable (Specification: Page 2, lines 19-32). Therefore, Appellant will agree to amend claim 27/14 in accordance with the specification.

A significant aspect of the present invention is that the second section will deform out of interference with the operation of the steering wheel if it is grabbed in an emergency. This is shown graphically in Figure 4. The result is a novel apparatus that relieves or prevents fatigue when driving for extended periods of time but does not prevent the driver from grabbing the wheel in emergencies.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 14-19, 24/14, and 27 were rejected in the Office Action dated November 26, 2007. In that Office Action, the Examiner rejected claims 14-19, 24/14, and 27 on the following bases:

- A. Claims 14-19, 24/14, and 27 under 35 U.S.C. §112, second ¶, for indefiniteness;
- B. Claims 14-17, 19/17, 24/14, and 27 under 35 U.S.C. §102(b) for allegedly being anticipated by Van Arsdel;
- C. Claims 14-17, 19/17, 24/14, and 27 under 35 U.S.C. §102(b) for allegedly being anticipated by Anson; and
- D. Claims 14, 18, and 19/18 under 35 U.S.C. §102(b) for allegedly being anticipated by Laubach.

Appellant filed the RCE on October 30, 2007, and did not amend the claims.² In the Office Action dated November 26, 2007, the Examiner finally rejected claims 14-19, 24/14 and 27. In that Office Action, the rejections advanced were the same as before:

- A. Claims 14-19, 24/14, and 27 under 35 U.S.C. §112, second ¶, for indefiniteness;
- B. Claims 14-17, 19/17, 24/14, and 27 under 35 U.S.C. §102(b) for allegedly being anticipated by Van Arsdel;
- C. Claims 14-17, 19/17, 24/14, and 27 under 35 U.S.C. §102(b) for allegedly being anticipated by Anson; and
- D. Claims 14, 18, and 19/18 under 35 U.S.C. §102(b) for allegedly being anticipated by Laubach.

Appellant requests that the Board review on Appeal and overturn the Examiner's bases for rejection set forth in the Office Action dated November 26, 2007.

A copy of amended claims 14-19, 24/14, and 27 is set forth in the Claims Appendix. Appellant also has attached an Evidence Appendix. The Evidence Appendix includes the following: Attachment A is a copy of the March 30, 2006, Office Action; Attachment B is a copy of Appellant's June 12, 2006, Response, which includes Appellant's last claim amendments; Attachment C is a copy of Appellant's June 26, 2006, Response which repeats Appellant's last claim amendments; Attachment D is a copy of the Office Action dated July 14, 2006;

² The RCE was filed solely for the purpose of having the Examiner consider prior art cited in the counterpart European Application.

Attachment E is a copy of Appellant's August 3, 2006, Amendment and Response to Notice of Non-Compliant Amendment; Attachment F is a copy of the May 9, 2006, Office Action from U.S. Patent Application Serial No. 10/720,821; and Attachment G is a copy of the Office Action dated November 26, 2007.

VII. ARGUMENT

A. General

The Examiner has rejected claims 14-19, 24/14, and 27 under 35 U.S.C. §112, second ¶, for indefiniteness. The basis of the rejection is that the Examiner contends the terms "rigid," "semi-rigid," "flexible," and "non-deformable" in claims 14 and 17 are indefinite. Appellant submits that they are definite and the rejection should be reversed.

The Examiner also has rejected claims 14-17, 19/17, 24/14, and 27 under 35 U.S.C. §102(b) for anticipation based on Van Arsdel or Anson, and claims 14, 18, and 19/18 under 35 U.S.C. §102(b) for anticipation based on Laubach. The standard for sustaining a rejection for anticipation is that a single prior art reference must disclose each and every limitation of the claim. *See, e.g., Schering Corp. v. Geneva Pharma., Inc.*, 339 F.3d 1373, 1377 (Fed. Cir. 2003) ("[a] patent [claim] is invalid for anticipation if a single prior art reference discloses each and every limitation of the claimed invention"); *Trintec Industries, Inc. v. Top-USA Corp.*, 295 F.3d 1292, 1295 (Fed. Cir. 2002) ("[a] single prior art reference anticipates a patent claim if it expressly or inherently describes each and every limitation set forth in the patent claim.... Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art"); *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("[t]o anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in a claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 794 F.2d 1565, 1571 (Fed. Cir. 1986) ("absent from the reference of any claimed element negates anticipation"). Neither Van Arsdel, Anson, nor Laubach meet this standard and the rejections should be reversed.

In the Office Action dated July 14, 2006, the Examiner stated the following with regard to the support for the anticipation rejections based on Van Arsdel, Anson, and Laubach:³

³ A copy of the Office Action dated July 14, 2006 is attached as Appendix D to the Evidence Appendix.

Moreover, Applicant's arguments are similar to the arguments presented in co-pending Application No. 10/[720821[.] [T]he Examiner's response to the final rejection on May 9, 2006 of Appl. '821 is incorporated herein by reference.

The final rejection in co-pending U.S. Patent Application Ser. No. 10/720,821, the parent of the present application, was directed to the anticipation rejections based on Van Arsdel, Anson, and Laubach. The Examiner advanced the same or substantially the same arguments as are advanced in the present application as grounds for rejecting claims 14-19, 24/14, and 27 for anticipation based on these three references.⁴ Therefore, Appellant is advancing the same or substantially similar positions in this Appeal with regard to overcoming the Examiner's anticipation rejections that have been raised against claims 14-19, 24/14, and 27. A copy of the Office Action dated May 9, 2006, from co-pending U.S. Patent Application Serial No. 10/720,821 is attached as Appendix F to the Evidence Appendix.

B. The Claims are Definite

The Examiner contends that claims 14 and 27 are indefinite under 35 U.S.C. §112, second ¶, because of the recitation of the terms "rigid," "semi-rigid," "flexible," and "non-deformable."⁵ Applicant submits that these terms would be understood by a person of ordinary skill in the art in light of the present invention.

In particular, the Examiner asserts that these terms are indefinite because they "[are] not defined by the claim, the specification does not provide a standard for the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention." Further, the Examiner contends "it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as terms "rigid, semi-rigid, or flexible, or non-deformable." Appellant submits that the claims are definite as will be shown.

Claims 14 and 27 include the terms "rigid," "semi-rigid," "flexible," and "non-deformable." Appellant attached as Attachment A to the Response dated June 26, 2006, excerpts from the Ninth New Collegiate Dictionary. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use in the present invention.

⁴ See Office Action dated November 26, 2007 (Appendix G to the Evidence Appendix.)

⁵ See Section V above with respect to the indefiniteness rejection directed to claim 27.

Moreover, Appellant has not given any special meaning to these terms other than their ordinary meaning.

The dictionary excerpts that are part of Appendix B to the Evidence Appendix make plain for a person of ordinary skill in the art what would be understood with regard to the scope of the claims when either “rigid,” “semi-rigid,” or “flexible,” or “non-deformable,” is used. As such, claims 14 and 27 would be definite in the hands of a person of ordinary skill in the art. Noting this, Appellant overcomes the Examiner’s indefiniteness rejection under 35 U.S.C. §112, second ¶, as to the use of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable,” and respectfully requests that the Board reverse this rejection.

C. Van Arsdel Does Not Anticipate Claims 14-19, 24/14, and 27

The Examiner rejected claims 14-17, 19/17, 24/14, and 27 as being anticipated by Van Arsdel. In order to demonstrate that Van Arsdel includes each of the elements of claim 20, the Examiner principally relies on the Van Arsdel’s Figures and Examiner-annotated versions of Figures 3 and 5 of Van Arsdel.⁶ In his rejection, the Examiner states that reference no. 4 (in the Van Arsdel Figures) equates to the first section and reference no. 2 (in the Van Arsdel Figures) equates to the second section of claim 14. Appellant submits that the Examiner fails to consider and appreciate all of the elements of the second section because if he does, two things are clear: (i) the grip-rest is in a plane parallel with the one across the face of the steering wheel and (ii) there is a missing element. Therefore, Van Arsdel does not establish a prima facie basis of anticipation, even considering the “broadest reasonable interpretation” standard recited by the Examiner in the Office Action.

At least one missing element from the Van Arsdel teachings is underlined in the following quotation:

The second section extends from the first section outward at an angle to a plane across the face of the steering wheel, the second section for supporting at least a portion of a vehicular operator’s body when pressure from the portion of the vehicular operator’s body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator’s ability to operate the steering wheel, and deforming out of interference with the vehicular operator’s ability to operate the steering wheel when pressure from the

⁶ The annotated versions of Figures 3 and 5 are Attachment 1 to the Office Action dated November 26, 2007. (Appendix G to the Evidence Appendix)

portion of the vehicular operator's body on the second section is equal to or greater than the pressure for performing the second section out of interference with the vehicular operator's ability to operate the steering wheel. [Emphasis added]

Claim 14.

In making reference to Van Arsdel in the Office Action dated November 26, 2007, the Examiner in stating his rejection does not cite to portions of the specification to support his contentions but only refers to his annotated version of the Figures.⁷ However, in attempting to respond to Appellant's position with regard on Van Arsdel, the Examiner again relies on his annotated version of the Figures but also states reliance on the following portions of the specification:⁸

<u>Van Arsdel</u>	<u>Purpose for Citation</u>
Page 1, Right Column, Lines 13-28	"[Van] Arsdel teaches the second section that connects to and extends from a first section outward at an angle relative to the plane across the face of the steering wheel." (O.A. dated November 26, 2007, p. 10)
Page 1, Right Column, Line 49-Page 2, Left Column, Line 2	"Appellant's contention that '[o]nce the grip-rest of [Van] Arsdel's handgrip is in place, it is <i>fixed</i> , and does not move' is unsupported by substantial evidence in the record." (O.A. dated November 26, 2007, p. 10)
Page 2, Left Column, Lines 28-32	"[Van] Arsdel explicitly teaches that the driver may loosen the screw 14 in Fig. 6 so that it is <i>deformable</i> in order that the driver can put extensive pressure on it and <i>it will move</i> for steering the automobile." (O.A. dated November 26, 2007, p. 11)

In the co-pending application on appeal, U.S. Patent Application Serial No. 10/720,821, the Examiner relied on Van Arsdel at Page 1, Right Column, Lines 29-54 to support his anticipation rejection.⁹ Although what the Examiner relies on in the present application and

⁷ See Office Action dated November 26, 2007, pp. 3-4 (Appendix G to the Evidence Appendix).

⁸ See Office Action dated November 26, 2007, pp. 9-11 (Attachment G to the Evidence Appendix).

⁹ Van Arsdel states the following at Page 2, Right Column, Lines 29-54:

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers which are wrapped around the rim of the wheel, and to increase the finger hold the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges here shown as three in number, 6, 7, and 8....

The weight of the hand and arm are comfortably supported with the bottom of the hand resting in the concavity of the grip-rest as shown in Fig. 1, or with the ball of the thumb seated in the concavity as shown in Fig. 2....

My improved grip-rest may be formed integral with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it removable as an attachment for any make of car and also to make it adjustable to suit the requirements or fancy of the driver.

what he relies on in the co-pending application overlap to some degree, they are not the same. However, whether the Board considers either set of citations, neither supports that the grip-rest in Van Arsdel is deformable according to claim 14 of the present application.

The Examiner contends that the grip-rest is deformable. However, as the Examiner acknowledges in citing to Van Arsdel, Page 2, Left Column, Lines 28-32, Van Arsdel requires the following to move the grip-rest: loosen the screw, reposition the grip-rest, and retighten the screw.¹⁰ Appellant submits that this is not deforming according to claim 14 during normal use of the grip-rest because once the grip-rest of Van Arsdel is in place, it is fixed, and does not move. Thus, Van Arsdel is missing at least the deforming element.

Appellant's position on the teachings of Van Arsdel is supported by the reference:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across a steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 on the rear end of the concave, located above the rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a straight course and gives him something substantial to push against in resistance and also in rotating the wheel to steer the car around corners and curves and away from obstructions or bad places in the roadway. Emphasis added]

Van Arsdel, Page 1, Right Column, Lines 13-28.

The quotation immediately above clearly demonstrates that the grip-rest of Van Arsdel does not deform according to claim 14 when pressure is applied to it. Noting this, Van Arsdel is missing at least one element and, as such, it cannot establish a prima facie basis of anticipation.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these claims has all of the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel for at least the same reasons as Claim 14.

In Section V above, Appellant states what claims 15-17, 19/17, 24/14, and 27 add to what is claimed in claim 14. These separate combinations, namely 15/14, 16/14, 17/14, 19/17, 24, and 27/14, each provides bases for not being anticipated, which includes the reasons claim 14 is not anticipated.

¹⁰ See Office Action dated November 26, 2007, p. 14. (Appendix G to the Evidence Appendix).

Noting the foregoing, Appellant has demonstrated clearly that claims 14-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel and respectfully request that this basis for rejection be reversed.

D. Anson Does Not Anticipate Claims 14-17, 19/17, 24/14, and 27

The Examiner rejected claims 14-17, 19/17, 24/14, and 27 as being anticipated by Anson. Relying on Examiner-annotated versions Figures 1, 2, and 8 of Anson, the Examiner states that reference no. 13 equates to the first section and reference no. 11 equates to the second section of claim 14.¹¹ However, it is important to review the true teachings of Anson since the Examiner places tremendous weight on it in considering the issue of anticipation:

I have found that in the driving of an automobile and particularly when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel and positions which require the driver's arms remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue...

To obviate these disadvantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]
Anson, Page 1, Left Column, Lines 6-25.

The steering wheel attachment of Anson is described as follows:

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downwardly from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11 is reduced in cross-sectional area at one end to form a neck 12. Neck 12...will have sufficient pliability...to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Anson, Page 1, Right Column, Line 49 – Page 2, Left Column, Line 18.

As with Van Arsdel, the Examiner cites the portions of the Anson specification he is relying on to support his anticipation rejection in his response to Appellant's position regarding

¹¹ See Office Action dated November 26, 2007, p. 5. (Appendix G to the Evidence Appendix).

the applicability of Van Arsdel to support the Examiner's contentions. The following table shows the Examiner's citation to Anson to support his anticipation contention:

<u>Anson</u>	<u>Purpose for Citation</u>
Page 2, Right Column, Lines 25-40	"Anson's grip is made of flexible or semi-rigid material, therefore, Anson's grip is deformable or deflectable out of interference with the vehicular operator's ability to operate the steering wheel, <i>i.e.</i> , out of the normal position." (O.A. dated November 26, 2007, p. 12)
Page 1, Left Column, Lines 48-Right Column, Line 32	The Anson attachment may be moved. (See O.A. dated November 26, 2007, p. 12)
Page 2, Left Column, Lines 62-72	The description of how to move the attachment to different locations on the steering wheel by loosening, moving, and reattaching it. (Sec O.A. dated November 26, 2007, pp. 12-13)

The Examiner's first citation to Anson at Page 2, Right Column, Lines 25-40 is directed to the material that is used to form the attachment. However, the deflection that is referred to there is with regard to using the attachment for steering vehicle not for deformation out of interference with the operation of the steering wheel.¹²

The Examiner has cited Anson at Page 2, Left Column, Lines 62-72, as teaching the deformability element of the second section in claim 14. As the quotation above demonstrates, when the Anson handgrip is in use, it is in the pendant position below the steering wheel and used to steer the vehicle. If, during normal operations, the driver were to grab the steering wheel in an emergency situation, he would release the handgrip and grab the wheel, for example, at the 10 and 2 o'clock positions. In doing so, the pendant-hanging handgrip would not be deformed as set forth in claim 14 because it would not be in use at all. Moreover, if it were used, it would not be deformed out of interference but would be held in the pendant position to steer the vehicle and not released. Further, if the handgrip is moved to the top of the steering wheel, it will be awkward and dangerous to use because the driver's hands will be disposed through the steering wheel. In this position, it also will not provide any of the benefits recited in Anson to relieve fatigue in the arms or hands of the driver.

¹² See the full quotation to Anson at Page 1, Right Column, Line 49 – Page 2, Left Column, Line 18 at page 12 of this Appeal Brief.

The Examiner has stated the handgrip of Anson equates to deformation according to claim 14 because it may be moved from the bottom pendant position to the top of the steering wheel. When the handgrip is moved to the top, it is moved there to be placed purposefully out of use all the time. As such, it will not be in a position to be deformed as set forth in the second section of claim 14.¹³ If the handgrip is moved to the top of the steering wheel, as suggested by the Examiner, it would be awkward and dangerous to use for driving because the driver's hands would be disposed through the steering wheel. In order to move the handgrip, it would be understood that the vehicle would have to be stopped, the handgrip detached and repositioned at the top, and reattached. Noting this, Anson is missing at least the deforming element of claim 20 and, as such, it does not support a prima facie basis of anticipation.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. Thus, each of these claims has all of the features of claim 14. Therefore, claims 14-17, 19/17, 24/14, and 27 are not anticipated by Anson for at least the same reasons as claim 14.

In Section V above, Appellant sets forth what claims 14-17, 19/17, 24/14, and 27 add to claim 14. These separate combinations, namely 15/14, 16/14, 17/14, 19/17, 24, and 27/14, each provides bases for not being anticipated, which includes the reasons claim 14 is not anticipated by Anson.

Noting the foregoing, Appellant has demonstrated clearly that claims 14-17, 19/17, 24/14, and 27 are not anticipated by Anson and respectfully request that this basis for rejection be reversed.

E. Laubach Does Not Anticipate Claims 14, 18, and 19/18

The Examiner rejected 14, 18, and 19/18 for anticipation based on Laubach. The Examiner relies on the Examiner-annotated version Figure 2 of Laubach and indicates that reference nos. 7 and 8 equates to the first section and reference no. 10 equates to the second section of claim 14.¹⁴ Appellant submits that Laubach does not form a prima facie basis of anticipation because at least one element is missing.

As with the other two references, Appellant thought the Examiner would cite to the specific sections of the Laubach specification he would contend supported his anticipation rejection in his response for Appellant's positions on Laubach. However, in the Office Action

¹³ Anson, Page 2, Left Column, Lines 68-72.

¹⁴ See Office Action dated March 30, 2006, pp. 5-6. (Appendix A to the Evidence Appendix)

dated November 26, 2007, the Examiner referred only to screw 5 and rim 6 of the knob attached to the steering wheel without citation to specific sections of the specification. Appellant will address Laubach even though the Examiner has failed to properly support his rejection by citation to the specification.

Laubach states the following with regard to the knobs attached to the steering wheel:

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knob 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1...

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and preventing the actual slippage of the hand of the operator from the knob 2. [Emphasis added]

Laubach, Page 1, Lines 43-71.

The description of the knobs and a review of the Figures makes plain that the knobs are not deformable and they are not disposed at an angle with respect to the plane across the face of the steering wheel. The knobs are rigidly connected to the steering wheel by screws 5. Any movement of them requires removing the screws, drilling the wheel at a new location, and reattaching the knobs at the new location. At this new location, the knobs will be in a plane parallel to the plane across the face of the steering wheel.

The knobs do not deform out of interference with the operation of the steering wheel, as does the second section of claim 14. In fact, once the Laubach knobs are secured by screws 5 as shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them. Therefore, Laubach does not support a prima facie basis of anticipation because it is missing at least one element of claim 14 relating to deformation of the knobs out of interference with the operation of the steering wheel in the normal operation of the knobs.

As Appellant previously stated, claims 18 and 19/18 depend from claim 14. As such, each of these claims have all of the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons as claim 14.

Section V above states what claims 18 and 19/18 add to the invention of claim 14. These separate combinations, namely 14/18 and 14/19, each provides bases for not being anticipated, which includes the reasons claim 14 is not anticipated by Laubach.

Noting the foregoing, Appellant has demonstrated clearly that claims 14, 18, and 19/18 are not anticipated by Laubach and respectfully request that this basis or rejection be reversed.

VIII. Claims Appendix

1-13. (Cancelled)

14. (Previously Presented) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

a first section that connects to a peripheral portion of the steering wheel; and

a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

15. (Previously Presented) The apparatus as recited in claim 14, wherein the steering wheel includes the steering wheel for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

16. (Previously Presented) The apparatus as recited in claim 14, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

17. (Previously Presented) The apparatus as recited in claim 14, wherein the first section extends a predetermined length of the peripheral portion of the steering wheel.

18. (Previously Presented) The apparatus as recited in claim 14, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

19. (Previously Presented) The apparatus as recited in claim 17 or 18, wherein the first section is deformable.

20. (Withdrawn) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

at least two discrete first sections that each connect to a peripheral portion of the steering wheel, and

a discrete rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from each first section at a peripheral portion of the steering wheel, each second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, each second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

21. (Withdrawn) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, aircraft or ground transportation vehicle.

22. (Withdrawn) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

23. (Withdrawn) The apparatus as recited in claim 20, wherein the apparatus is adjustable for supporting different sizes or types of body portions.

24. (Previously Presented) The apparatus as recited in claim 14, wherein each first section is formed integral with the steering wheel.

25. (Withdrawn) The apparatus as recited in claim 14 or 20, wherein each first section is detachable from the steering wheel.

26. (Withdrawn) The apparatus as recited in claim 20, wherein each first section is dcformable.

27. (Previously Presented) The apparatus as recited in claim 14, wherein the first sction is flexible, rigid, or semi-rigid, or non-deformable.

28. (Withdrawn) The apparatus as recited in claim 20, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

IX. Evidence Appendix

Attachment A is a copy of the March 30, 2006, Office Action;

Attachment B is a copy of Appellant's June 12, 2006, Response, which includes

Appellant's last claim amendments;

Attachment C is a copy of Appellant's June 26, 2006, Response;

Attachment D is a copy of the Office Action dated July 14, 2006;

Attachment E is a copy of Appellant's August 3, 2006, Amendment and Response to

Notice of Non-Compliant Amendment;

Attachment F is a copy of the May 9, 2006 Office Action in co-pending U.S. Patent

Application Serial No. 10/720,821; and

Attachment G is a copy of the Office Action dated November 26, 2007.

X. Related Proceedings Appendix
None

CONCLUSION

In the foregoing, Appellant has clearly traversed each of the Examiner's bascs for rejecting amended claims 14-19, 24/14, and 27 under 35 U.S.C. §112, second ¶, for indefiniteness, and claims 14-19, 24/14, and 27 under 35 U.S.C. §102 for allegedly being anticipated by Van Arsdcl, Anson, and Laubach. Accordingly Appellant requests that the Board reverse these outstanding rejections and remand the application to Examiner and direct that the application bc sent to issue.

No fees are believed due; however, please charge any additional fees due or overpayments to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: December 6, 2007

s/Wayne M. Kennard
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(EVIDENCE APPENDIX)
ATTACHMENT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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 Alexandria, Virginia 22313-1459
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APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,306	12/03/2003	Douglas B. Wilson	114089.120	5202

23483 7590 03/30/2006

WILMER CUTLER PICKERING HALE AND DORR LLP
 60 STATE STREET
 BOSTON, MA 02109

EXAMINER

LUONG, VINH

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

WILMER CUTLER PICKERING
 HALE and DORR LLP DOCKETING
 RE: 114089.120/5202
 Action Date: 6-30-06
 Action to be Taken: 674005
 Docketed By: GMB On: 7-3-06

Office Action Summary

Application No.

10/727,306

Applicant(s)

WILSON, DOUGLAS B.

Examiner

Vinh T. Luong

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/30/06 & 2/8/06.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) 20-23, 14/20, 25, 26, 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19, 24/14, 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachments 1-3

1. The Amendment filed on January 30, 2006 and the Letter in Response to the Signature filed on February 8, 2006 have been entered.
2. Applicant's election of the species of Figs. 1, 3, and 4 in the reply filed on January 30, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse. MPEP § 818.03(a).
3. Claims 20-23, 24/20, 25, 26, and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 30, 2006.
4. The drawings are objected to because each part of the invention, such as, the angle in claim 14 should be designated by a referential numeral or character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3682

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The disclosure is objected to because of the following informalities: each part of the invention, such as, the angle in claim 14 should be designated by a referential numeral or character. Appropriate correction is required.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, such as, the angle in claim 14. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 14-19, 24/14, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "rigid," "semi-rigid," "flexible," or "non-deformable" in claims 14 and 27 is a relative term, which renders the claim indefinite. The term "rigid," "semi-rigid," "flexible," or "non-deformable" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For example, it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as being "rigid," "semi-rigid," "flexible," or "non-deformable." See *Fredman v. Harris-Hub Co., Inc.*, 163 USPQ 397 (DC N Ill 1969) ("Flexibility" and "rigidity" are relative terms, particularly since virtually any thing will flex if enough pressure is applied to it).

It is unclear whether:

(a) the term that appears at least twice, such as, "a steering wheel" in claim 15/14 refers to the same or different things. See double inclusion in MPEP 2173.05(o); and

(b) a confusing variety of terms, such as, "a peripheral portion of the steering wheel" and "a predetermined peripheral portion of the steering wheel" in claim 17/14 refers to the same or different things. See MPEP 608.01(o).

9. Claims 14-17, 19/17, 24/14, and 27, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Van Arsdell (US Patent No. 2,118,540).

Regarding claim 14, Van Arsdell teaches a fatigue relieving/preventing apparatus associated with a steering wheel 3 for controlling a vehicle, comprising:

a first section 4 (i.e., a horizontal section) that connects to a peripheral portion of the steering wheel 3; and

a rigid, semi-rigid or flexible, or non-deformable second section 2 that connects to, and extends from the first section 4 at the peripheral portion of the steering wheel 3, the second section 2 extends from the first section 4 outward at an angle (see angle α in Figs. 3 and 5 of Attachment 1) to a plane (Att. 1) across a front face of the steering wheel 3, the second section 2 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 2 is less than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 3 when pressure from the portion of the vehicular operator's body on

the second section 2 is equal to or greater than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3.

Regarding claim 15, the steering wheel 3 includes a steering wheel 3 for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

Regarding claim 16, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 17, the first section 4 extends a length of a predetermined peripheral portion of the steering wheel 3.

Regarding claim 19/17, the first section 4 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexibility" in *Fredman v. Harris-Hub Co., Inc., supra*.

Regarding claim 24/14, each first section 4 is formed integral with the steering wheel 3. It is well settled that the term "integral" is not restricted to a one-piece article. The term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. See *In re Hotte*, 177 USPQ 326 (CCPA); *In re Clark*, 102 USPQ 241 (CCPA); *In re Dike*, 157 USPQ 581 (CCPA); *In re Kohno*, 157 USPQ 275 (CCPA); and *In re Morris*, 43 USPQ2d 1753, 1757 (CAFC 1997).

Regarding claim 27, the first section 4 is flexible, rigid, or semi-rigid, or non-deformable. See "flexibility" in *Fredman v. Harris-Hub Co., Inc., supra*.

10. Claims 14-17, 19/17, 24/14, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Anson (US Patent No. 2,134,020).

Regarding claim 14, Anson teaches a fatigue relieving/preventing apparatus associated with a steering wheel 10 for controlling a vehicle, comprising:

a first section 13 that connects to a peripheral portion of the steering wheel 10; and
a rigid, semi-rigid or flexible, or non-deformable second section 11 that connects to, and extends from the first section 13 at the peripheral portion of the steering wheel 10, the second section 11 extends from the first section 13 outward at an angle (see angle α in Fig. 8 of Attachment 2) to a plane (Att. 2) across a front face of the steering wheel 10, the second section 11 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 11 is less than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 10 when pressure from the portion of the vehicular operator's body on the second section 11 is equal to or greater than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10.

Regarding claim 15, the steering wheel 10 includes a steering wheel 10 for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

Regarding claim 16, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 17, the first section 13 extends a length of a predetermined peripheral portion of the steering wheel 10.

Regarding claim 19/17, the first section 13 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexible" in *Fredman v. Harris-Hub Co., Inc.*, *supra*.

Regarding claim 24/14, each first section 13 is formed integral with the steering wheel 10. See *In re Hotte*; *In re Clark*; *In re Dike*; *In re Kohno*; and *In re Morris*, *supra*.

Regarding claim 27, the first section 13 is flexible, rigid, or semi-rigid, or nondeformable. See "flexible" in *Fredman v. Harris-Hub Co., Inc.*, *supra*.

11. Claims 14, 18, and 19/18, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Laubach (US Patent No. 1,575,848).

Regarding claim 14, Laubach teaches a fatigue relieving/preventing apparatus associated with a steering wheel 1 for controlling a vehicle, comprising:

a first section 7, 8 that connects to a peripheral portion of the steering wheel 1; and
a rigid, semi-rigid or flexible, or non-deformable second section 10 that connects to, and extends from the first section 7, 8 at the peripheral portion of the steering wheel 1, the second section 10 extends from the first section 7, 8 outward at an angle (see angle α in Fig. 2 of Attachment 3) to a plane (Att. 3) across a front face (Att. 3) of the steering wheel 1, the second section 10 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 10 is less than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 1 when pressure from the portion of the vehicular operator's

body on the second section 10 is equal to or greater than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1.

Regarding claim 18, the second section 10 includes at least two second sections (Fig. 1) that each connect to the first section 7, 8 at separate locations.

Regarding claim 19/18, the first section 7, 8 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

12. Claims 14-19, 24/14, and 27, as best understood, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20-28 of copending Application No. 10720821 (Appl.'821). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 14-19, 24/14, and 27 of this application and claims 20-28 of Appl.'821 substantially claim common structures such as a first section and a second section connected to the first section. To the extent that claims 14-19, 24/14, and 27 in this application call for the second section being rigid, semi-rigid or flexible, or *non-deformable*, meanwhile, claims 20-28 in Appl.'821 call for the second section being *deformable*, however, the terms rigid, semi-rigid, flexible, non-deformable, and deformable are relative terms. In fact, when the second section is rigid, semi-rigid, or flexible, it will be deformed if enough pressure is applied to it. Alternatively, when the second section is deformable, it inherently is flexible. See *Fredman v. Harris-Hub Co., Inc., supra*. On the other hand, it is well settled that selection of known material suitable for its intended purpose would have been obvious. *In re Leshin*, 125 USPQ 416 (CCPA 1960) and MPEP 2144.07.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material of the second section claimed in claims 14-19, 24/14, and 27 of this application such that it is deformable as claimed in claims 20-28 of Appl.'821 in order support a portion of the vehicular operator's body as taught or suggested by common knowledge in the art. *In re Leshin, supra*.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

13. Applicant's arguments filed November 3, 2005 and January 30, 2006 have been fully considered but they are not persuasive.

35 USC 112, 2nd Paragraph

Applicant contended that:

New claims 14-28, like cancelled claims 1-13, include the terms "rigid," "semi-rigid," "flexible," and "non-deformable." Applicant has attached as Attachment A excerpts from the *Ninth New Collegiate Dictionary*. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use the present invention. The attached excerpts make plain that a person of ordinary skill in the art would *clearly* understand the scope of the claims when "rigid," "semi-rigid," or "flexible," or "non-deformable," is used. As such, claims 14-28 would be definite in the hands of a person of ordinary skill in the art. (Emphasis added).

The Examiner respectfully submits that Applicant is not confined to normal dictionary meaning. *Fromson v. Advance Offset Plate, Inc.*, 219 USPQ 1137, 1140 (Fed. Cir. 1983). It is well established that dictionary definitions must give way to the meaning imparted by the specification. *In re Johnston*, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) cited *Phillips v. AWH Industries*, 415 F.3d 1303 [75 USPQ2d 1321](Fed. Cir. 2005)(*en banc*). In the instant case, the

specification does not impart or define the meaning of the relative terms, such as, rigid, semi-rigid, flexible, and non-deformable. Assuming *arguendo* that a person of ordinary skill in the art would clearly understand the meaning of these terms as defined by dictionary, however, the scope of the claims is still deemed to be indefinite since it is unclear as to, e.g., what materials are covered by the claims. Hence, the rejection under 35 USC 112 is respectfully maintained.

35 USC 102

The rejection based on Lin, Dickinson, or Hamasaka is withdrawn in view of Applicant's amendment in the claims. Applicant's arguments regarding Lin, Dickinson, or Hamasaka are deemed to be moot.

Obviousness Type Double Patenting

Applicant has not filed the terminal disclaimer. Therefore, the rejection based on obviousness type double patenting has not been overcome.

New Prior Art

Applicant argued:

Of the five patents, Laubach, Anson, Van Arsdel, and Berzer, among other things, disclose an element that engages the hand of the driver that is disposed outward or inward from the steering wheel rim in the plane across of the face of the steering wheel. As set forth in claims 14-28, *the second section of the fatigue-relieving apparatus is disposed outward at an angle to the plane across the face of the steering*. This distinguishes claims 14-28 from each of these references. (Emphasis added).

The instant Office action only uses Laubach, Anson, and Van Arsdel. Each of these references teaches the second section disposed outward at an angle to the plane across the face of the steering wheel as seen in Attachments 1-3. Therefore, the elected claims 14-19, 24/14 and 27

are not allowable. The remaining references Shipley and Berzer are not used to reject Applicant's claims. Applicant's arguments about Shipley and Berzer are moot.

Conclusion

For the reasons set forth above, Applicant's request to allow the claims is respectfully denied.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

March 28, 2006

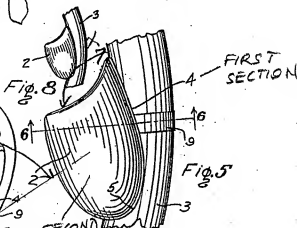
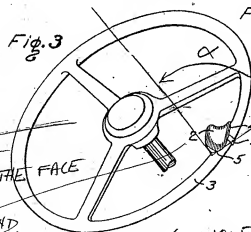
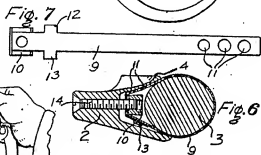
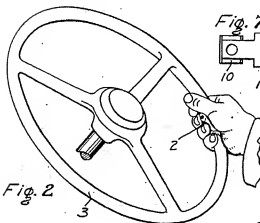
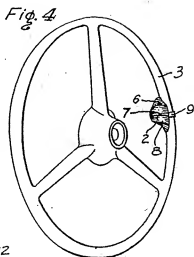
A handwritten signature in black ink, appearing to read 'Vinh T. Luong', with a long horizontal line extending to the right.

Vinh T. Luong
Primary Examiner

ATTACHMENT # 1

2,118,540

2,118,540



PLANE
ACROSS THE FACE

SECOND
SECTION

α = ANGLE TO THE PLANE 3 OF THE STEERING WHEEL

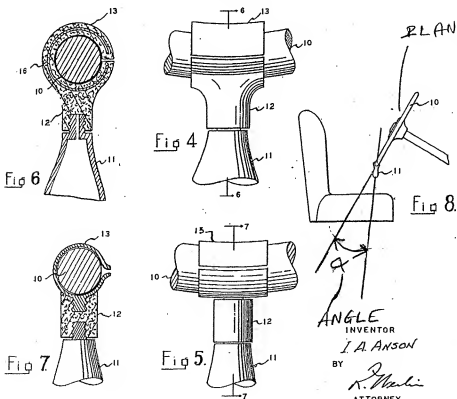
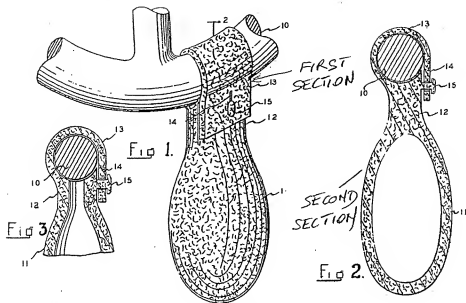
SECOND ^{and} ^{the} ^{first}
INVENTOR
Ernest VanArsdel
By
Minturn & Minturn,
Attorneys

ATTACHMENT # 2

Oct. 25, 1938.

I. A. ANSON
STEERING WHEEL ATTACHMENT
Filed Sept. 30, 1937

2,134,020



ATTACHMENT # 3

March 9, 1926.

C. E. E. LAUBACH
STEERING WHEEL

1,575,848

Filed July 13, 1925

Fig. 1.

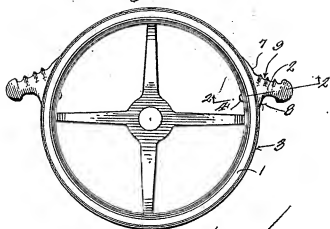


Fig. 2.

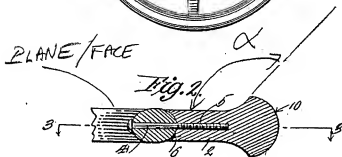
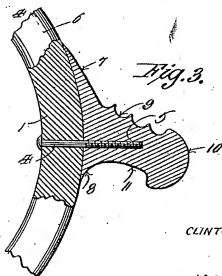


Fig. 3.



WITNESSES

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CLINTONEELAUBACH

వెళ్ళ

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Attorney

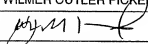
(EVIDENCE APPENDIX)

ATTACHMENT B

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/727306-Conf. #5202
		Filing Date	December 3, 2003
		First Named Inventor	Douglas B. WILSON
		Art Unit	3682
		Examiner Name	V. Luong
Total Number of Pages in This Submission	26	Attorney Docket Number	0114089.00121US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Attachment A
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	WILMER CUTLER PICKERING HALE AND DORR LLP		
Signature			
Printed name	Wayne M. Kennard		
Date	June 12, 2006	Reg. No.	30,271

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wilson

Examiner: Vinh Luong

Serial No.: 10/727,306

Art Unit: 3682

Filing Date: December 3, 2003

For: FATIGUE RELIEVING SUPPORT FOR STEERING WHEELS AND
THE LIKE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response

Sir:

This is a Response to the Office Action dated March 30, 2006. This Response places the application and the claims therein, in condition for allowance. In this Response, the amendments to the specification begin on page 2, the amendment to the claims begin on page 5, and the Remarks begin on page 8.

Specification:

Page 2, please rewrite the third full paragraph as follows:

The system of the present invention will include at least one part that extends outward at an angle from a plane across the face of the steering wheel or vehicular control. This part is at least partially deformable in at least one direction, so that the system will not interfere with the operation of the wheel or control. This deformability, however, will not impede the support function of the system on the invention. Furthermore, the deformable material has memory, so that after a deforming force is removed, it resumes its original predeformation configuration and shape, which is extending outward at an angle from a plane across the face of the steering wheel or vehicular control.

Page 3, please rewrite the seventh full paragraph as follows:

Deformable material second section 102 extends outward from steering control 105 over a predetermined section of the steering control, which is shown in Figure 1 to be an arc. As is better shown in Figure 3, a deformable second section such as 102 extends outward at an angle from a plane across the face of a steering control such as 105. Deformable second section 102 may extends outward from the steering control at or below the inside circumference of the control over the predetermined arc. This arc will typically include at least the ten 104 and two 106 o'clock positions, or may include the entire circumference.

Page 4, please rewrite the fourth and fifth full paragraphs as follows:

The first system of the present invention at 202 includes first section 204 that connects to steering control 211 and second section 205 that extends outward from first section 204. Further, a second section such as 205 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 204 may be rigid, semi-rigid, or deformable, while second section 205 is deformable. If the first section is deformable, it may have memory.

Similarly, the second system of the present invention at 203 includes first section 207 that connects to steering control 211 and second section 209 that extends outward

from first section 207. Further, a second section such as 209 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 207 may be rigid, semi-rigid, or deformable, while second section 209 is deformable. Again, if the first section is deformable, it may have memory. Further, second sections 205 and 209 may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

Page 5, please rewrite second full paragraph as follows:

Referring to Figure 3, generally at 300, steering control 305 is shown that includes rim 308, spokes 310, and steering column 312. First section 301 is formed integral with rim 308 and deformable second section 302 extends outward from the first section. As is shown, second section 302 extends outward at angle 316 from plane 318 across the face of steering control 305. The material of second section 302 has sufficient strength that when driving, the driver may rest his/her wrists or portions of the hands 322 on the material and they will be supported. The structure is such that the weight of the arms and hands through the wrists or portions of the hands are supported without the material deforming.

Page 6, please rewrite the second and third full paragraphs as follows:

Referring to Figure 5, generally at 500, a second embodiment of the present invention is shown. System 501 of the present invention shown in Figure 5 includes a first section 502 that detachably connects to steering control rim. Deformable second section 503 connects to, and extends outwardly from, first section 502. As is shown, deformable second section 503 extends outward at angle 516 from plane 518 across the face of steering control rim 508. First section 502 may snap-on or otherwise attach to the steering control such that it may appear integral with the steering control. One of many possible known means for accomplishing this is by first section 502 being mostly rigid, and leaving a space 507 so the attachment can be forced over rim 508 and leave room for the steering control spokes 510. Regardless of the means for attachment, once first section 502 is attached to the steering control, it will provide all of the benefits that have been described for the first section being integrally formed with the rim. Additionally,

the second embodiment, may be a single structure with a single resting material support, a single structure with multiple resting supports, or multiple structures each with its own resting support. As in the other embodiments, the second section may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

By way of example, Figure 6, generally at 600, shows another alternate method to attach the system of the present invention to steering control rim 608. The system in this figure has first section 602 that will envelop rim 608. First section 602 may be made from a flexible material. First section 602 may have a slit 611, which after this section envelops the rim, may be stitched shut by stitches 613. As in the other embodiments of the present invention, deformable second section 603 connects to, and extends outwardly from, first section 602. Further, a deformable second section such as 603 extends outward at an angle from a plane across the face of a steering control rim such as 608 (see Figures 3 and 5). Again, the second section may be rigid, semi-rigid, or non-deformable and still be within the scope of the present invention.

In the Claims

14. (Previously Amended) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

a first section that connects to a peripheral portion of the steering wheel; and
a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

15. (Currently Amended) The apparatus as recited in claim 14, wherein the steering wheel includes ~~a~~ the steering wheel for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

16. (Previously Added) The apparatus as recited in claim 14, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

17. (Currently Amended) The apparatus as recited in claim 14, wherein the first section extends a predetermined length of ~~a predetermined~~ the peripheral portion of the steering wheel.

18. (Previously Amended) The apparatus as recited in claim 14, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

19. (Previously Added) The apparatus as recited in claim 17 or 18, wherein the first section is deformable.

20. (Previously Added) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

at least two discrete first sections that each connect to a peripheral portion of the steering wheel, and

a discrete rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from each first section at a peripheral portion of the steering wheel, each second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, each second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operator the steering wheel when pressure form the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel..

21. (Previously Added) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, aircraft or ground transportation vehicle.

22. (Previously Added) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

23. (Previously Added) The apparatus as recited in claim 20, wherein the apparatus is adjustable for supporting different sizes or types of body portions.

24. (Previously Added) The apparatus as recited in claim 14 or 20, wherein each first section is formed integral with the steering wheel.

25. (Previously Added) The apparatus as recited in claim 14 or 20, wherein each first section is detachable from the steering wheel.

26. (Previously Added) The apparatus as recited in claim 20, wherein each first section is deformable.

27. (Previously Added) The apparatus as recited in claim 14, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

28. (Previously Added) The apparatus as recited in claim 20, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

Remarks

I. Introduction

Applicant is in receipt of the Office Action dated at March 30, 2006. Claims 14-19, 24/14, and 27 are pending in the present application. The Examiner has recited several grounds for objecting to and rejecting the present application. Examiner objected to the drawings for not including representations to the angular disposition of second section of the fatigue/relieving apparatus. In view of this objection to the drawings, the Examiner objected to the specification. The Examiner also has objected to claims 14-19, 24/14, and 27 for indefiniteness under 35 U.S.C. 112, second paragraph. Lastly, the Examiner rejected pending claims 14-19, 24/14 and 27 under 35 U.S.C. 102(b) for anticipation based on either Van Arsdel, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; or Laubach, U.S. Patent No. 1,575,848. Applicant will demonstrate herein that the objections and rejections have been overcome by this Response, thereby placing the present application in condition for allowance.

II. The Corrected Drawings Overcome the Examiner's Objection

On page 3 of the Office Action, the Examiner objected to the drawings because "each part of the invention, e.g., the angle and the face in claim 14 should be designated by a reference numeral or character." Applicant has corrected the drawings as requested by the Examiner. These changes to the drawings do not add new matter. As such, Applicant has traversed the Examiner's basis for objection to the drawings.

III. The Specification, As Amended, Overcome the Examiner's Objection

On page 4 of the Office Action, the Examiner objected to the specification for "failing to provide proper antecedent basis for the claimed the subject matter, such as, 'an angle,' in claim 14." Applicant has amended the specification to overcome this objection. These amendments do not add new matter. Therefore, this objection should be withdrawn.

IV. The Claims, As Amended Are Definitive.

On page 3 of the Office Action, the Examiner contends that the terms “rigid”, “semi-rigid”, “flexible,” or “non-deformable” in claims 14 and 17 are indefinite. Applicant submits that these terms would be understood by a person of ordinary skill in the art in light of the present invention.

The Examiner contends that 14 and 17 are indefinite under 35 U.S.C. §§ 112, second paragraph, because of the recitation of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” In particular, the Examiner asserts that these terms are indefinite because these terms “[are] not defined by the claim, the specification does not provide a standard for the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.” Further, the Examiner contends that “it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as terms “rigid,” semi-rigid, or flexible, or non-deformable.” Applicant submits that the claims are definite as will be shown.

Claims 14 and 17, include the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” Applicant has attached as Attachment A excerpts from the Ninth New Collegiate Dictionary. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use the present invention. The attached excerpts make plain that a person of ordinary skill in the art would clearly understand the scope of the claims when “rigid,” “semi-rigid,” or “flexible,” or “non-deformable,” is used. As such, claims 14 and 17 would be definite in the hands of a person of ordinary skill in the art. Noting this, Applicant overcomes the Examiner’s indefiniteness rejection under 35 U.S.C. § 112, second paragraph, as to the use of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable,” and respectfully requests that this rejection be withdrawn with regard to claims 14 and 19.

The Examiner also rejected claims 15 and 17 for allegedly having no anticipated basis for the terms “a steering wheel” and “a peripheral portion of the steering wheel,” respectively. Applicant has amended the claims to remove any possible confusion on the part of the Examiner with regard to overcoming this obviousness rejection.

Noting the foregoing, Applicant has traversed each of the Examiner's basis for rejecting the claims for indefiniteness under 35 U.S.C. 112, second paragraph.

V. Claims 14-19 Are Not Anticipated Under 35 § U.S.C. 102(b)

Claims 14-19, 24/14 and 27 are pending in the present application. In the current Office Action, claims 14-19, 24-14 and 27 have been rejected by the Examiner for anticipation under 35 U.S.C. § 102 (b) based on a three references. These references are U.S. Patent No. 1,575,848 to Laubach ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically, the Examiner relied on Van Arsdel or Anson for rejecting claims 14-17, 19/17, 24/14 and 27; and Laubach for rejecting claims 14, 18 and 19/18. Hereinafter, Applicant will demonstrate that claims 14-19, 24/14, and 27, as presently amended, place the present application in condition for allowance and the application should be passed to issue.

A. Applicable Law

In order for there to be anticipation under 35 U.S.C. §102, a single prior art reference must show each and every feature of the claimed invention in the same way. . *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("To anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation"). Applicant submits that neither Van Arsdel, Anson, nor Laubach satisfy this standard for finding anticipation under 35 U.S.C. § 102(b).

B. Van Arsdel Does Not Anticipate Claims 14-19, 24/14, and 27

Claim 14 is an independent claim and claims 15-19, 24/14, and 27 depend from claim 14. As such, claims 15-19, 24/14, and 27 add features to claim 20.

In relying on Van Arsdel, the Examiner does not cite to any descriptions of the auto steering wheel handgrip disclosed in this reference but annotates the drawings for this purpose. Specifically, the Examiner annotated Figures 3 and 5 in an attempt to show what is being claimed in claim 14. The Examiner states that reference no. 4 equates to the first section and reference no. 2 equates to the second section of claim 14. Applicant submits that the Examiner fails to consider and appreciate all of the elements of the

second section because if he did, two things would be clear (i) the grip-rest is in a plane parallel with the one across the face of the steering wheel and (ii) there is a missing element.

Van Arsdel at column 2, lines 13-54 states:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across the steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 of the rear end of the concave, located above the rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a straight course and gives him something substantial to push against in resistance and also in rotating the wheel to steer the car around corners and curves and away from obstructions or bad places in the roadway.

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers, which are wrapped around the rim of the wheel, and increase the fingerhold [on] the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges, here shown as three in number, 6, 7, and 8.... [See Figure 4]

The weight of the hand and arm are comfortably supported with the bottom of the hand resting in the concavity of the grip-rest as shown in Fig. 1, or with the ball of the thumb seated in the concavity as shown in Fig. 2....

My improved grip-rest may be formed integral with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it removable as an attachment for any make of car and also to make it adjustable to suit the requirements or fancy of the driver. [Emphasis added]

A review of Figures 3 and 5, as annotated by the Examiner, attempts to show that the grip-rest of Van Arsdel is disposed outward at an angle α to a plane across the face of the steering wheel shows that the Examiner's position is misplaced. As the description above from Van Arsdel indicates, the grip-rest is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it. This is very clear because in each disposition of the grip-rest in the Figures, it is fixed in this parallel plane to support the thumb or part of the palm. It is also fixed so that it is not deformable so the driver can put extensive pressure on it (and it will not move) for steering the automobile (See underscored sections in the quotation above).

If the grip-rest were supposed to be at an angle commensurate with the present invention as the Examiner contends, its disposition would be shown differently in the drawings. As such, there is not support for the Examiner's contention that the grip-rest is disposed other than in the plane parallel to the plane across the form of the steering wheel. Accordingly, one skilled in the art would not understand the grip-rest in Van Arsdel to be disposed as the Examiner contends.

There is also no support in the description of the grip-rest in Van Arsdel that it will deform in any way out of interference with the operation of the steering wheel. Applicant submits he is justified in taking this position given the description of the connection of the grip-rest as shown in Figure 6 or the integrally formed grip-rest shown in Figure 8. Therefore, the grip-rest of Van Arsdel would not anticipate the invention as set forth in claim 14 because it is missing at least one element, i.e., Van Arsdel at least does not teach or suggest the features of the second section being deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Noting in the foregoing, Applicant has demonstrated that the auto steering wheel grip-rest of Van Arsdel does not anticipate (or render obvious) the invention of claim 14. Accordingly, Applicant respectfully requests that the anticipation rejection based on Van Arsdel be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel for the same reasons that claim 14 is not anticipated by this patent. Thus, Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

C. Anson Does Not Anticipate Claims 14-17, 19/17, 24/14, and 27

The Examiner has rejected claims 14-17, 19/17, 24/14, and 27 for anticipation based on Anson. Referring to the Figures of Anson, the Examiner states that reference no. 13 equates to the first section and reference no. 11 equates to the second section of claim 14. The Examiner has annotated Figure 8 to indicate that the steering wheel attachment of Anson is disposed at an angle α with respect to a plane across the face of

the steering wheel. Before addressing the Examiner's basis of rejection, Applicant submits that the description of the steering wheel attachment of Anson is germane to the Examiner's position on anticipation. Applicant also submits that if this description is taken into consideration, the Examiner should withdraw the anticipation rejection based on Anson.

In the description of the purpose of the steering wheel attachment in Anson, the patent states (Page 1, left column, lines 6-25):

I have found that in the driving of an automobile and particular when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel in positions which require the driver's arms to remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue, such as will frequently dull the driver's normal reflexes and alertness and thereby increase the danger of accidents.

To obviate these disadvantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

The steering wheel attachment of Anson is subsequently described in the patent. The following description is stated (Page 1, right column, line 49 – Page 2, left column, line 18):

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downward from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11...which will have sufficient pliability...to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Applicant submits that the steering wheel attachment of Anson does disclose all of the elements of claim 14. As set forth in the quotation above, the steering wheel attachment of Anson is a pliable structure that dangles downward from the bottom of the

steering wheel. It is further understood from the quotation above that in use the steering wheel attachment is grasped by the driver's hand while the arms and hands are resting in the driver's lap. There is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use. The other dispositive of the hand grip at the top of rim is for situations where it is removed from use.

The Examiner has cited Anson at Page 2, Left Column, Lines 62-72, as teaching the deformability element of the second section in claim 14. As the quotation above demonstrates, when the Anson handgrip is in use, it is in the pendent position and used to steer the vehicle. If, during normal operations, the driver were to grab the steering wheel in an emergency situation, he would release the handgrip and grab the wheel, for example, at the 10 and 2 o'clock positions. In doing so, the pendent-hanging handgrip would not be deformed as set forth in claim 14 because it would not be in use. Moreover, if it were used, it would not be deformed out of interference but would be held to steer the vehicle.

The Examiner has stated the handgrip of Anson equates to deformation according to claim 14 because it may be moved from the bottom pendent position to the top of the steering wheel. When the handgrip is moved to the top, it is moved there to be purposefully out of use all the time so it will not be in a position to be deformed as set forth in the second section of claim 14.¹ In order to move the handgrip, it would be understood that the vehicle would have to be stopped, the handgrip detached and repositioned at the top, and reattached.

Given the foregoing, the steering wheel attachment of Anson at least does not indicate the element of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not teach that the attachment will be deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Anson and requests that the anticipation rejection based on this patent be withdrawn.

¹ Anson, page 2, left column, lines 68-72.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Anson for the same reasons that claim 14 is not anticipated by this patent. Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

D. Laubach Does Not Anticipate Claims 14, 18, and 19/18

The Examiner has rejected claims 14, 18, and 19/18 for anticipation based on Laubach. In formulating the rejection based on Laubach, the Examiner has not relied on any part of the disclosure in that patent but has annotated the drawings to allegedly show that Laubach teaches each and every feature of claim 14. The Examiner states that reference nos. 7 and 8 of the knob 2 equates to the first section and reference no. 10 equates to the second section of claim 14. Applicant submits that the Examiner's reliance on Laubach is misplaced.

Laubach states the following with regard to the knobs attached to the steering wheel (Page 1, line 43 – 71):

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knobs 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1....

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and preventing the actual slippage of the hand of the operator from the knob 2. [Emphasis added]

The Examiner has annotated the drawings to attempt to show that enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel. This is not supported.

The hands of the driver are supported by gripping the knobs in the defined finger recesses shown in the drawings. The heads 10 are enlarged for this sole purpose of preventing the hands from slipping off of the knobs. The heads 10 clearly are not

disposed at an angle outward of the plane across the face of the steering wheel but are placed at the end of the knobs solely to act as a stop. Further, the heads 10 are not deformable out of interference with the operation of the steering wheel as set forth in claim 14. They are fixed in place along with the rest of the knobs.

The description of the knobs and a review of the Figures makes plain that the knobs are not deformable and they are not disposed at an angle with respect to the a plane across the face of the steering wheel. The knobs are rigidly connected to the steering wheel by screws 5. Any movement of them requires removing the screws, drilling the wheel at a new location, and reattaching the knobs at the new location. At this new location, the knobs will in a plane parallel to the plane across the face of the steering wheel.

The knobs do not deform out of interference with the operation of the steering wheel as in the second section of claim 14. In fact, once the Laubach knobs are secured by screws 5 as shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them.

Therefore, Laubach at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel and the knobs of Laubach do not deform out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Laubach and requests that the anticipation rejection based on this patent be withdrawn.

Claims 18 and 19/18 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons that claim 14 is not anticipated by this patent. Therefore, Applicant has traversed the Examiner's bases for rejecting claims 18 and 19/18 for anticipation and respectfully requests that this rejection be withdrawn.

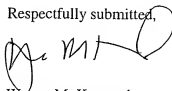
III. Conclusion

In this Response, Applicant has traversed Examiner's (i) objection to the drawings, (ii) objection to the specification, (iii) and anticipation rejections under 35 U.S.C. 102(b) based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; and Laubach, U.S. Patent No. 1,575,848. As such, Applicant has placed the present application in condition for allowance.

The present invention is new, non-obvious and useful. Reconsideration and allowance of the claims are respectfully requested.

Dated: June 1st, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wayne M. Kennard', is written over a circular stamp or mark.

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Library of Congress Cataloging in Publication Data
Main entry under title:

Webster's ninth new collegiate dictionary.

Includes index.

I. English language—Dictionaries. I. Merriam-Webster Inc.

PE1628.W5638 1989 423 88-8335

ISBN 0-87779-508-8

ISBN 0-87779-509-6 (indexed)

ISBN 0-87779-510-X (deluxe)

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(EVIDENCE APPENDIX)

ATTACHMENT C

Attachment C to the Evidence Appendix

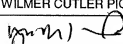
PTO/SB/21 (09-04)

Approved for use through 07/31/2008. CMB 0851-0031

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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/727306-Conf. #5202
		Filing Date	December 3, 2003
		First Named Inventor	Douglas B. WILSON
		Art Unit	3682
		Examiner Name	V. Luong
Total Number of Pages in This Submission	28	Attorney Docket Number	0114089.00121US1

ENCLOSURES (Check all that apply)		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wilson

Examiner: Vinh Luong

Serial No.: 10/727,306

Art Unit: 3682

Filing Date: December 3, 2003

For: **FATIGUE RELIEVING SUPPORT FOR STEERING WHEELS AND
THE LIKE**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

Applicant submits the following timely-filed Response to the Office Action dated March 30, 2006 and June 21, 2006. Please amend the application as provided below.

This Response places the application and the claims therein, in condition for allowance. In this Response, the amendments to the specification begin on page 2, the amendment to the claims begin on page 5, and the Remarks begin on page 8.

Specification:

Page 2, please rewrite the third full paragraph as follows:

The system of the present invention will include at least one part that extends outward at an angle from a plane across the face of the steering wheel or vehicular control. This part is at least partially deformable in at least one direction, so that the system will not interfere with the operation of the wheel or control. This deformability, however, will not impede the support function of the system on the invention. Furthermore, the deformable material has memory, so that after a deforming force is removed, it resumes its original predeformation configuration and shape, which is extending outward at an angle from a plane across the face of the steering wheel or vehicular control.

Page 3, please rewrite the seventh full paragraph as follows:

Deformable material second section 102 extends outward from steering control 105 over a predetermined section of the steering control, which is shown in Figure 1 to be an arc. As is better shown in Figure 3, a deformable second section such as 102 extends outward at an angle from a plane across the face of a steering control such as 105. Deformable second section 102 may extend outward from the steering control at or below the inside circumference of the control over the predetermined arc. This arc will typically include at least the ten 104 and two 106 o'clock positions, or may include the entire circumference.

Page 4, please rewrite the fourth and fifth full paragraphs as follows:

The first system of the present invention at 202 includes first section 204 that connects to steering control 211 and second section 205 that extends outward from first section 204. Further, a second section such as 205 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 204 may be rigid, semi-rigid, or deformable, while second section 205 is deformable. If the first section is deformable, it may have memory.

Similarly, the second system of the present invention at 203 includes first section 207 that connects to steering control 211 and second section 209 that extends outward

from first section 207. Further, a second section such as 209 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 207 may be rigid, semi-rigid, or deformable, while second section 209 is deformable. Again, if the first section is deformable, it may have memory. Further, second sections 205 and 209 may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

Page 5, please rewrite second full paragraph as follows:

Referring to Figure 3, generally at 300, steering control 305 is shown that includes rim 308, spokes 310, and steering column 312. First section 301 is formed integral with rim 308 and deformable second section 302 extends outward from the first section. As is shown, second section 302 extends outward at angle 316 from plane 318 across the face of steering control 305. The material of second section 302 has sufficient strength that when driving, the driver may rest his/her wrists or portions of the hands 322 on the material and they will be supported. The structure is such that the weight of the arms and hands through the wrists or portions of the hands are supported without the material deforming.

Page 6, please rewrite the second and third full paragraphs as follows:

Referring to Figure 5, generally at 500, a second embodiment of the present invention is shown. System 501 of the present invention shown in Figure 5 includes a first section 502 that detachably connects to steering control rim. Deformable second section 503 connects to, and extends outwardly from, first section 502. As is shown, deformable second section 503 extends outward at angle 516 from plane 518 across the face of steering control rim 508. First section 502 may snap-on or otherwise attach to the steering control such that it may appear integral with the steering control. One of many possible known means for accomplishing this is by first section 502 being mostly rigid, and leaving a space 507 so the attachment can be forced over rim 508 and leave room for the steering control spokes 510. Regardless of the means for attachment, once first section 502 is attached to the steering control, it will provide all of the benefits that have been described for the first section being integrally formed with the rim. Additionally,

the second embodiment, may be a single structure with a single resting material support, a single structure with multiple resting supports, or multiple structures each with its own resting support. As in the other embodiments, the second section may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

By way of example, Figure 6, generally at 600, shows another alternate method to attach the system of the present invention to steering control rim 608. The system in this figure has first section 602 that will envelop rim 608. First section 602 may be made from a flexible material. First section 602 may have a slit 611, which after this section envelops the rim, may be stitched shut by stitches 613. As in the other embodiments of the present invention, deformable second section 603 connects to, and extends outwardly from, first section 602. Further, a deformable second section such as 603 extends outward at an angle from a plane across the face of a steering control rim such as 608 (see Figures 3 and 5). Again, the second section may be rigid, semi-rigid, or non-deformable and still be within the scope of the present invention.

In the Claims

Claims 1-13. (cancelled)

14. (Previously Amended) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

a first section that connects to a peripheral portion of the steering wheel; and
a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

15. (Currently Amended) The apparatus as recited in claim 14, wherein the steering wheel includes ~~a~~ the steering wheel for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

16. (Previously Added) The apparatus as recited in claim 14, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

17. (Currently Amended) The apparatus as recited in claim 14, wherein the first section extends a predetermined length of ~~a predetermined~~ the peripheral portion of the steering wheel.

18. (Previously Amended) The apparatus as recited in claim 14, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

19. (Previously Added) The apparatus as recited in claim 17 or 18, wherein the first section is deformable.

20. (Previously Added) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

at least two discrete first sections that each connect to a peripheral portion of the steering wheel, and

a discrete rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from each first section at a peripheral portion of the steering wheel, each second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, each second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operator the steering wheel when pressure form the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel..

21. (Previously Added) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, aircraft or ground transportation vehicle.

22. (Previously Added) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

23. (Previously Added) The apparatus as recited in claim 20, wherein the apparatus is adjustable for supporting different sizes or types of body portions.

24. (Previously Added) The apparatus as recited in claim 14 or 20, wherein each first section is formed integral with the steering wheel.

25. (Previously Added) The apparatus as recited in claim 14 or 20, wherein each first section is detachable from the steering wheel.

26. (Previously Added) The apparatus as recited in claim 20, wherein each first section is deformable.

27. (Previously Added) The apparatus as recited in claim 14, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

28. (Previously Added) The apparatus as recited in claim 20, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

Remarks

I. Introduction

Applicant is in receipt of the Office Action dated at March 30, 2006. Claims 14-19, 24/14, and 27 are pending in the present application. The Examiner has recited several grounds for objecting to and rejecting the present application. Examiner objected to the drawings for not including representations to the angular disposition of second section of the fatigue/relieving apparatus. In view of this objection to the drawings, the Examiner objected to the specification. The Examiner also has objected to claims 14-19, 24/14, and 27 for indefiniteness under 35 U.S.C. 112, second paragraph. Lastly, the Examiner rejected pending claims 14-19, 24/14 and 27 under 35 U.S.C. 102(b) for anticipation based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; or Laubach, U.S. Patent No. 1,575,848. Applicant will demonstrate herein that the objections and rejections have been overcome by this Response, thereby placing the present application in condition for allowance.

II. The Corrected Drawings Overcome the Examiner's Objection

On page 3 of the Office Action, the Examiner objected to the drawings because "each part of the invention, e.g., the angle and the face in claim 14 should be designated by a reference numeral or character." Applicant has corrected the drawings as requested by the Examiner (Attachment B). Applicant respectfully submits six (6) Replacement Sheets of drawings. These changes to the drawings do not add new matter. As such, Applicant has traversed the Examiner's basis for objection to the drawings.

III. The Specification, As Amended, Overcome the Examiner's Objection

On page 4 of the Office Action, the Examiner objected to the specification for "failing to provide proper antecedent basis for the claimed the subject matter, such as, 'an angle,' in claim 14." Applicant has amended the specification to overcome this objection. These amendments do not add new matter. Therefore, this objection should be withdrawn.

IV. The Claims, As Amended Are Definitive.

On page 3 of the Office Action, the Examiner contends that the terms “rigid”, “semi-rigid”, “flexible,” or “non-deformable” in claims 14 and 17 are indefinite. Applicant submits that these terms would be understood by a person of ordinary skill in the art in light of the present invention.

The Examiner contends that 14 and 17 are indefinite under 35 U.S.C. §§ 112, second paragraph, because of the recitation of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” In particular, the Examiner asserts that these terms are indefinite because these terms “[are] not defined by the claim, the specification does not provide a standard for the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.” Further, the Examiner contends that “it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as terms “rigid,” semi-rigid, or flexible, or non-deformable.” Applicant submits that the claims are definite as will be shown.

Claims 14 and 17, include the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” Applicant has attached as Attachment A excerpts from the Ninth New Collegiate Dictionary. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use the present invention. The attached excerpts make plain that a person of ordinary skill in the art would clearly understand the scope of the claims when “rigid,” “semi-rigid,” or “flexible,” or “non-deformable,” is used. As such, claims 14 and 17 would be definite in the hands of a person of ordinary skill in the art. Noting this, Applicant overcomes the Examiner’s indefiniteness rejection under 35 U.S.C. § 112, second paragraph, as to the use of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable,” and respectfully requests that this rejection be withdrawn with regard to claims 14 and 19.

The Examiner also rejected claims 15 and 17 for allegedly having no anticipated basis for the terms “a steering wheel” and “a peripheral portion of the steering wheel,” respectively. Applicant has amended the claims to remove any possible confusion on the part of the Examiner with regard to overcoming this obviousness rejection.

Noting the foregoing, Applicant has traversed each of the Examiner's basis for rejecting the claims for indefiniteness under 35 U.S.C. 112, second paragraph.

V. Claims 14-19 Are Not Anticipated Under 35 § U.S.C. 102(b)

Claims 14-19, 24/14 and 27 are pending in the present application. In the current Office Action, claims 14-19, 24-14 and 27 have been rejected by the Examiner for anticipation under 35 U.S.C. § 102 (b) based on a three references. These references are U.S. Patent No. 1,575,848 to Laubach ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically, the Examiner relied on Van Arsdel or Anson for rejecting claims 14-17, 19/17, 24/14 and 27; and Laubach for rejecting claims 14, 18 and 19/18. Hereinafter, Applicant will demonstrate that claims 14-19, 24/14, and 27, as presently amended, place the present application in condition for allowance and the application should be passed to issue.

A. Applicable Law

In order for there to be anticipation under 35 U.S.C. §102, a single prior art reference must show each and every feature of the claimed invention in the same way. . *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("To anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation"). Applicant submits that neither Van Arsdel, Anson, nor Laubach satisfy this standard for finding anticipation under 35 U.S.C. § 102(b).

B. Van Arsdel Does Not Anticipate Claims 14-19, 24/14, and 27

Claim 14 is an independent claim and claims 15-19, 24/14, and 27 depend from claim 14. As such, claims 15-19, 24/14, and 27 add features to claim 20.

In relying on Van Arsdel, the Examiner does not cite to any descriptions of the auto steering wheel handgrip disclosed in this reference but annotates the drawings for this purpose. Specifically, the Examiner annotated Figures 3 and 5 in an attempt to show what is being claimed in claim 14. The Examiner states that reference no. 4 equates to the first section and reference no. 2 equates to the second section of claim 14. Applicant submits that the Examiner fails to consider and appreciate all of the elements of the

second section because if he did, two things would be clear (i) the grip-rest is in a plane parallel with the one across the face of the steering wheel and (ii) there is a missing element.

Van Arsdel at column 2, lines 13-54 states:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across the steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 of the rear end of the concave, located above the rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a straight course and gives him something substantial to push against in resistance and also in rotating the wheel to steer the car around corners and curves and away from obstructions or bad places in the roadway.

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers, which are wrapped around the rim of the wheel, and increase the fingerhold [on] the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges, here shown as three in number, 6, 7, and 8.... [See Figure 4]

The weight of the hand and arm are comfortably supported with the bottom of the hand resting in the concavity of the grip-rest as shown in Fig. 1, or with the ball of the thumb seated in the concavity as shown in Fig. 2....

My improved grip-rest may be formed integral with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it removable as an attachment for any make of car and also to make it adjustable to suit the requirements or fancy of the driver. [Emphasis added]

A review of Figures 3 and 5, as annotated by the Examiner, attempts to show that the grip-rest of Van Arsdel is disposed outward at an angle α to a plane across the face of the steering wheel shows that the Examiner's position is misplaced. As the description above from Van Arsdel indicates, the grip-rest is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it. This is very clear because in each disposition of the grip-rest in the Figures, it is fixed in this parallel plane to support the thumb or part of the palm. It is also fixed so that it is not deformable so the driver can put extensive pressure on it (and it will not move) for steering the automobile (See underscored sections in the quotation above).

If the grip-rest were supposed to be at an angle commensurate with the present invention as the Examiner contends, its disposition would be shown differently in the drawings. As such, there is not support for the Examiner's contention that the grip-rest is disposed other than in the plane parallel to the plane across the form of the steering wheel. Accordingly, one skilled in the art would not understand the grip-rest in Van Arsdel to be disposed as the Examiner contends.

There is also no support in the description of the grip-rest in Van Arsdel that it will deform in any way out of interference with the operation of the steering wheel. Applicant submits he is justified in taking this position given the description of the connection of the grip-rest as shown in Figure 6 or the integrally formed grip-rest shown in Figure 8. Therefore, the grip-rest of Van Arsdel would not anticipate the invention as set forth in claim 14 because it is missing at least one element, i.e., Van Arsdel at least does not teach or suggest the features of the second section being deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Noting in the foregoing, Applicant has demonstrated that the auto steering wheel grip-rest of Van Arsdel does not anticipate (or render obvious) the invention of claim 14. Accordingly, Applicant respectfully requests that the anticipation rejection based on Van Arsdel be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel for the same reasons that claim 14 is not anticipated by this patent. Thus, Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

C. Anson Does Not Anticipate Claims 14-17, 19/17, 24/14, and 27

The Examiner has rejected claims 14-17, 19/17, 24/14, and 27 for anticipation based on Anson. Referring to the Figures of Anson, the Examiner states that reference no. 13 equates to the first section and reference no. 11 equates to the second section of claim 14. The Examiner has annotated Figure 8 to indicate that the steering wheel attachment of Anson is disposed at an angle α with respect to a plane across the face of

the steering wheel. Before addressing the Examiner's basis of rejection, Applicant submits that the description of the steering wheel attachment of Anson is germane to the Examiner's position on anticipation. Applicant also submits that if this description is taken into consideration, the Examiner should withdraw the anticipation rejection based on Anson.

In the description of the purpose of the steering wheel attachment in Anson, the patent states (Page 1, left column, lines 6-25):

I have found that in the driving of an automobile and particular when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel in positions which require the driver's arms to remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue, such as will frequently dull the driver's normal reflexes and alertness and thereby increase the danger of accidents.

To obviate these disadvantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

The steering wheel attachment of Anson is subsequently described in the patent. The following description is stated (Page 1, right column, line 49 – Page 2, left column, line 18):

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downward from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11...which will have sufficient pliability...to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Applicant submits that the steering wheel attachment of Anson does disclose all of the elements of claim 14. As set forth in the quotation above, the steering wheel attachment of Anson is a pliable structure that dangles downward from the bottom of the

steering wheel. It is further understood from the quotation above that in use the steering wheel attachment is grasped by the driver's hand while the arms and hands are resting in the driver's lap. There is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use. The other dispositive of the hand grip at the top of rim is for situations where it is removed from use.

The Examiner has cited Anson at Page 2, Left Column, Lines 62-72, as teaching the deformability element of the second section in claim 14. As the quotation above demonstrates, when the Anson handgrip is in use, it is in the pendent position and used to steer the vehicle. If, during normal operations, the driver were to grab the steering wheel in an emergency situation, he would release the handgrip and grab the wheel, for example, at the 10 and 2 o'clock positions. In doing so, the pendent-hanging handgrip would not be deformed as set forth in claim 14 because it would not be in use. Moreover, if it were used, it would not be deformed out of interference but would be held to steer the vehicle.

The Examiner has stated the handgrip of Anson equates to deformation according to claim 14 because it may be moved from the bottom pendent position to the top of the steering wheel. When the handgrip is moved to the top, it is moved there to be purposefully out of use all the time so it will not be in a position to be deformed as set forth in the second section of claim 14.¹ In order to move the handgrip, it would be understood that the vehicle would have to be stopped, the handgrip detached and repositioned at the top, and reattached.

Given the foregoing, the steering wheel attachment of Anson at least does not indicate the element of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not teach that the attachment will be deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Anson and requests that the anticipation rejection based on this patent be withdrawn.

¹ Anson, page 2, left column, lines 68-72.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Anson for the same reasons that claim 14 is not anticipated by this patent. Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

D. Laubach Does Not Anticipate Claims 14, 18, and 19/18

The Examiner has rejected claims 14, 18, and 19/18 for anticipation based on Laubach. In formulating the rejection based on Laubach, the Examiner has not relied on any part of the disclosure in that patent but has annotated the drawings to allegedly show that Laubach teaches each and every feature of claim 14. The Examiner states that reference nos. 7 and 8 of the knob 2 equates to the first section and reference no. 10 equates to the second section of claim 14. Applicant submits that the Examiner's reliance on Laubach is misplaced.

Laubach states the following with regard to the knobs attached to the steering wheel (Page 1, line 43 – 71):

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knobs 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1....

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and preventing the actual slippage of the hand of the operator from the knob 2. [Emphasis added]

The Examiner has annotated the drawings to attempt to show that enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel. This is not supported.

The hands of the driver are supported by gripping the knobs in the defined finger recesses shown in the drawings. The heads 10 are enlarged for this sole purpose of preventing the hands from slipping off of the knobs. The heads 10 clearly are not

disposed at an angle outward of the plane across the face of the steering wheel but are placed at the end of the knobs solely to act as a stop. Further, the heads 10 are not deformable out of interference with the operation of the steering wheel as set forth in claim 14. They are fixed in place along with the rest of the knobs.

The description of the knobs and a review of the Figures makes plain that the knobs are not deformable and they are not disposed at an angle with respect to the a plane across the face of the steering wheel. The knobs are rigidly connected to the steering wheel by screws 5. Any movement of them requires removing the screws, drilling the wheel at a new location, and reattaching the knobs at the new location. At this new location, the knobs will in a plane parallel to the plane across the face of the steering wheel.

The knobs do not deform out of interference with the operation of the steering wheel as in the second section of claim 14. In fact, once the Laubach knobs are secured by screws 5 as shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them.

Therefore, Laubach at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel and the knobs of Laubach do not deform out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Laubach and requests that the anticipation rejection based on this patent be withdrawn.

Claims 18 and 19/18 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons that claim 14 is not anticipated by this patent. Therefore, Applicant has traversed the Examiner's bases for rejecting claims 18 and 19/18 for anticipation and respectfully requests that this rejection be withdrawn.

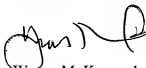
III. Conclusion

In this Response, Applicant has traversed Examiner's (i) objection to the drawings, (ii) objection to the specification, (iii) and anticipation rejections under 35 U.S.C. 102(b) based on either Van Arsdel, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; and Laubach, U.S. Patent No. 1,575,848. As such, Applicant has placed the present application in condition for allowance.

The present invention is new, non-obvious and useful. Reconsideration and allowance of the claims are respectfully requested.

Dated: June 2nd, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wayne M. Kennard', with a stylized flourish at the end.

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Ninth New Collegiate Dictionary

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Library of Congress Cataloging in Publication Data
Main entry under title:

Webster's ninth new collegiate dictionary.

Includes index.

I. English language—Dictionaries. I. Merriam-Webster Inc.
PE1628.W5638 1989 423 88-8335
ISBN 0-87779-508-8
ISBN 0-87779-509-6 (indexed)
ISBN 0-87779-510-X (deluxe)

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CATE (highly defined **PROPRIN** lines) **b**: to make distinct, clear, or detailed in outline (the issues aren't too well defined) + **CHARACTER-IZING**, **DISTINGUISH** (you ~ yourself by the choices you make) — **DENISE** (*Univ. Bull.*) ~ **n**: to make a definition — **de-fin-able** \-'fi-n-ə-bəl/ **adj** — **de-fin-a-bly** \-bē/ **adv** — **de-fin-ment** \-'fin-mənt/ **n** — **de-fin-er** \-'fi-n-ə-r/ **n**

[illegible][illegible]

definite host n (1901): the host in which the sexual reproduction of
parasite takes place
de-fi-ni-tize \ 'del-(ə)-nə-tīz, di-'tīn-ə-\ vt -tīz; -tīz-ŋ (1876): to make
definite
definitive adj (1836): *definitive* *Figures 5, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 6q, 6r, 6s, 6t, 6u, 6v, 6w, 6x, 6y, 6z, 6aa, 6ab, 6ac, 6ad, 6ae, 6af, 6ag, 6ah, 6ai, 6aj, 6ak, 6al, 6am, 6an, 6ao, 6ap, 6aq, 6ar, 6as, 6at, 6au, 6av, 6aw, 6ax, 6ay, 6az, 6ba, 6bb, 6bc, 6bd, 6be, 6bf, 6bg, 6bh, 6bi, 6bj, 6bk, 6bl, 6bm, 6bn, 6bo, 6bp, 6bq, 6br, 6bs, 6bt, 6bu, 6bv, 6bw, 6bx, 6by, 6bz, 6ca, 6cb, 6cc, 6cd, 6ce, 6cf, 6cg, 6ch, 6ci, 6cj, 6ck, 6cl, 6cm, 6cn, 6co, 6cp, 6cq, 6cr, 6cs, 6ct, 6cu, 6cv, 6cw, 6cx, 6cy, 6cz, 6da, 6db, 6dc, 6dd, 6de, 6df, 6dg, 6dh, 6di, 6dj, 6dk, 6dl, 6dm, 6dn, 6do, 6dp, 6dq, 6dr, 6ds, 6dt, 6du, 6dv, 6dw, 6dx, 6dy, 6dz, 6ea, 6eb, 6ec, 6ed, 6ee, 6ef, 6eg, 6eh, 6ei, 6ej, 6ek, 6el, 6em, 6en, 6eo, 6ep, 6eq, 6er, 6es, 6et, 6eu, 6ev, 6ew, 6ex, 6ey, 6ez, 6fa, 6fb, 6fc, 6fd, 6fe, 6ff, 6fg, 6fh, 6fi, 6fj, 6fk, 6fl, 6fm, 6fn, 6fo, 6fp, 6fq, 6fr, 6fs, 6ft, 6fu, 6fv, 6fw, 6fx, 6fy, 6fz, 6ga, 6gb, 6gc, 6gd, 6ge, 6gf, 6gg, 6gh, 6gi, 6gj, 6gk, 6gl, 6gm, 6gn, 6go, 6gp, 6gq, 6gr, 6gs, 6gt, 6gu, 6gv, 6gw, 6gx, 6gy, 6gz, 6ha, 6hb, 6hc, 6hd, 6he, 6hf, 6hg, 6hh, 6hi, 6hj, 6hk, 6hl, 6hm, 6hn, 6ho, 6hp, 6hq, 6hr, 6hs, 6ht, 6hu, 6hv, 6hw, 6hx, 6hy, 6hz, 6ia, 6ib, 6ic, 6id, 6ie, 6if, 6ig, 6ih, 6ii, 6ij, 6ik, 6il, 6im, 6in, 6io, 6ip, 6iq, 6ir, 6is, 6it, 6iu, 6iv, 6iw, 6ix, 6iy, 6iz, 6ja, 6jb, 6jc, 6jd, 6je, 6jf, 6jg, 6jh, 6ji, 6jj, 6jk, 6jl, 6jm, 6jn, 6jo, 6jp, 6jq, 6jr, 6js, 6jt, 6ju, 6jv, 6jw, 6jx, 6jy, 6jz, 6ka, 6kb, 6kc, 6kd, 6ke, 6kf, 6kg, 6kh, 6ki, 6kj, 6kk, 6kl, 6km, 6kn, 6ko, 6kp, 6kq, 6kr, 6ks, 6kt, 6ku, 6kv, 6kw, 6kx, 6ky, 6kz, 6la, 6lb, 6lc, 6ld, 6le, 6lf, 6lg, 6lh, 6li, 6lj, 6lk, 6ll, 6lm, 6ln, 6lo, 6lp, 6lq, 6lr, 6ls, 6lt, 6lu, 6lv, 6lw, 6lx, 6ly, 6lz, 6ma, 6mb, 6mc, 6md, 6me, 6mf, 6mg, 6mh, 6mi, 6mj, 6mk, 6ml, 6mm, 6mn, 6mo, 6mp, 6mq, 6mr, 6ms, 6mt, 6mu, 6mv, 6mw, 6mx, 6my, 6mz, 6na, 6nb, 6nc, 6nd, 6ne, 6nf, 6ng, 6nh, 6ni, 6nj, 6nk, 6nl, 6nm, 6nn, 6no, 6np, 6nq, 6nr, 6ns, 6nt, 6nu, 6nv, 6nw, 6nx, 6ny, 6nz, 6oa, 6ob, 6oc, 6od, 6oe, 6of, 6og, 6oh, 6oi, 6oj, 6ok, 6ol, 6om, 6on, 6oo, 6op, 6oq, 6or, 6os, 6ot, 6ou, 6ov, 6ow, 6ox, 6oy, 6oz, 6pa, 6pb, 6pc, 6pd, 6pe, 6pf, 6pg, 6ph, 6pi, 6pj, 6pk, 6pl, 6pm, 6pn, 6po, 6pp, 6pq, 6pr, 6ps, 6pt, 6pu, 6pv, 6pw, 6px, 6py, 6pz, 6qa, 6qb, 6qc, 6qd, 6qe, 6qf, 6qg, 6qh, 6qi, 6qj, 6qk, 6ql, 6qm, 6qn, 6qo, 6qp, 6qq, 6qr, 6qs, 6qt, 6qu, 6qv, 6qw, 6qx, 6qy, 6qz, 6ra, 6rb, 6rc, 6rd, 6re, 6rf, 6rg, 6rh, 6ri, 6rj, 6rk, 6rl, 6rm, 6rn, 6ro, 6rp, 6rq, 6rr, 6rs, 6rt, 6ru, 6rv, 6rw, 6rx, 6ry, 6rz, 6sa, 6sb, 6sc, 6sd, 6se, 6sf, 6sg, 6sh, 6si, 6sj, 6sk, 6sl, 6sm, 6sn, 6so, 6sp, 6sq, 6sr, 6ss, 6st, 6su, 6sv, 6sw, 6sx, 6sy, 6sz, 6ta, 6tb, 6tc, 6td, 6te, 6tf, 6tg, 6th, 6ti, 6tj, 6tk, 6tl, 6tm, 6tn, 6to, 6tp, 6tq, 6tr, 6ts, 6tt, 6tu, 6tv, 6tw, 6tx, 6ty, 6tz, 6ua, 6ub, 6uc, 6ud, 6ue, 6uf, 6ug, 6uh, 6ui, 6uj, 6uk, 6ul, 6um, 6un, 6uo, 6up, 6uq, 6ur, 6us, 6ut, 6uu, 6uv, 6uw, 6ux, 6uy, 6uz, 6va, 6vb, 6vc, 6vd, 6ve, 6vf, 6vg, 6vh, 6vi, 6vj, 6vk, 6vl, 6vm, 6vn, 6vo, 6vp, 6vq, 6vr, 6vs, 6vt, 6vu, 6vv, 6vw, 6vx, 6vy, 6vz, 6wa, 6wb, 6wc, 6wd, 6we, 6wf, 6wg, 6wh, 6wi, 6wj, 6wk, 6wl, 6wm, 6wn, 6wo, 6wp, 6wq, 6wr, 6ws, 6wt, 6wu, 6wv, 6ww, 6wx, 6wy, 6wz, 6xa, 6xb, 6xc, 6xd, 6xe, 6xf, 6xg, 6xh, 6xi, 6xj, 6xk, 6xl, 6xm, 6xn, 6xo, 6xp, 6xq, 6xr, 6xs, 6xt, 6xu, 6xv, 6xw, 6xx, 6xy, 6xz, 6ya, 6yb, 6yc, 6yd, 6ye, 6yf, 6yg, 6yh, 6yi, 6yj, 6yk, 6yl, 6ym, 6yn, 6yo, 6yp, 6yq, 6yr, 6ys, 6yt, 6yu, 6yv, 6yw, 6yx, 6yy, 6yz, 6za, 6zb, 6zc, 6zd, 6ze, 6zf, 6zg, 6zh, 6zi, 6zj, 6zk, 6zl, 6zm, 6zn, 6zo, 6zp, 6zq, 6zr, 6zs, 6zt, 6zu, 6zv, 6zw, 6zx, 6zy, 6zz, 6aa, 6ab, 6ac, 6ad, 6ae, 6af, 6ag, 6ah, 6ai, 6aj, 6ak, 6al, 6am, 6an, 6ao, 6ap, 6aq, 6ar, 6as, 6at, 6au, 6av, 6aw, 6ax, 6ay, 6az, 6ba, 6bb, 6bc, 6bd, 6be, 6bf, 6bg, 6bh, 6bi, 6bj, 6bk, 6bl, 6bm, 6bn, 6bo, 6bp, 6bq, 6br, 6bs, 6bt, 6bu, 6bv, 6bw, 6bx, 6by, 6bz, 6ca, 6cb, 6cc, 6cd, 6ce, 6cf, 6cg, 6ch, 6ci, 6cj, 6ck, 6cl, 6cm, 6cn, 6co, 6cp, 6cq, 6cr, 6cs, 6ct, 6cu, 6cv, 6cw, 6cx, 6cy, 6cz, 6da, 6db, 6dc, 6dd, 6de, 6df, 6dg, 6dh, 6di, 6dj, 6dk, 6dl, 6dm, 6dn, 6do, 6dp, 6dq, 6dr, 6ds, 6dt, 6du, 6dv, 6dw, 6dx, 6dy, 6dz, 6ea, 6eb, 6ec, 6ed, 6ee, 6ef, 6eg, 6eh, 6ei, 6ej, 6ek, 6el, 6em, 6en, 6eo, 6ep, 6eq, 6er, 6es, 6et, 6eu, 6ev, 6ew, 6ex, 6ey, 6ez, 6fa, 6fb, 6fc, 6fd, 6fe, 6ff, 6fg, 6fh, 6fi, 6fj, 6fk, 6fl, 6fm, 6fn, 6fo, 6fp, 6fq, 6fr, 6fs, 6ft, 6fu, 6fv, 6fw, 6fx, 6fy, 6fz, 6ga, 6gb, 6gc, 6gd, 6ge, 6gf, 6gg, 6gh, 6gi, 6gj, 6gk, 6gl, 6gm, 6gn, 6go, 6gp, 6gq, 6gr, 6gs, 6gt, 6gu, 6gv, 6gw, 6gx, 6gy, 6gz, 6ha, 6hb, 6hc, 6hd, 6he, 6hf, 6hg, 6hh, 6hi, 6hj, 6hk, 6hl, 6hm, 6hn, 6ho, 6hp, 6hq, 6hr, 6hs, 6ht, 6hu, 6hv, 6hw, 6hx, 6hy, 6hz, 6ia, 6ib, 6ic, 6id, 6ie, 6if, 6ig, 6ih, 6ii, 6ij, 6ik, 6il, 6im, 6in, 6io, 6ip, 6iq, 6ir, 6is, 6it, 6iu, 6iv, 6iw, 6ix, 6iy, 6iz, 6ja, 6jb, 6jc, 6jd, 6je, 6jf, 6jg, 6jh, 6ji, 6jj, 6jk, 6jl, 6jm, 6jn, 6jo, 6jp, 6jq, 6jr, 6js, 6jt, 6ju, 6jv, 6jw, 6jx, 6jy, 6jz, 6ka, 6kb, 6kc, 6kd, 6ke, 6kf, 6kg, 6kh, 6ki, 6kj, 6kk, 6kl, 6km, 6kn, 6ko, 6kp, 6kq, 6kr, 6ks, 6kt*

deflagrate \de-f'la-grāt\ vb -grat-ed; -grat-ing [L *deflagratus*, pp. of *deflagrare* to burn down, fr. *de-* + *flagrare* to burn — more at **BLACK**]
vt (1727): to cause to deflagrate — compare **PETONATE** ~ vi: to burn rapidly with intense heat and sparks being given off — *def-la-gra-tio*

de-flate *di-'flāt, 'dē-* vb **de-flat-ed; de-flat-ing** [*de-* + *-flate* (as in *inflate*)]
 1: to release air or gas from
 2: to reduce in size
 3: to reduce (a price)
 importance (~ his ego with cutting remarks)
 level) or cause (a volume of credit) to contract
 through or as if through the escape of contained gas **syn** see **CONTRACT**

deflation /di-'flā-shən, -dē-'n (1891) 1: an act or instance of deflating: the state of being deflated 2: a contraction in the volume available money or credit that results in a decline of the general price level 3: the erosion of soil by the wind — deflation-ary /-shā-nēr-ē-ād/

de-flect \di-'flek-t\ vb [L *deflectere* to bend down, turn aside; *deflectere* to bend] *v* (1555) : to turn from a straight course or fixed direction : BEND ~ *vi* : to turn aside : DEVIATE — de-flect-a-ble \-'flek-tə-bəl\ *adj* — de-flec-tive \-'tɪv\ *adj* — de-flec-tor \-'tɔr\ *n*
de-flec-tion \di-'flek-shən\ *n* (1605) 1 : a turning aside or off course : DEVIATION 2 : the departure of an indicator or pointer from the zero

de-flo-ra-tion \del-lə-'rā-shən, də-flā- n [ME *defloracioun*, fr. LL *defloratio*, *defloratio*; fr. *defloratus*, pp. of *deflorare*] (15c): rupture of the hymen

de-flower \('dē-ˈflaʊ-ər\ *v t* (ME *deflouren*, fr. MF or LL *mā deflorare*, fr. L.L. *deflorare*, fr. L. *de-* + *flos*, *flos* flower — more at **BLOW**) (14c)
— to deprive of virginity; **RAVISH** 2 : to take away the prime beauty
— **de-flower-er** *n*

de-fog \('dē-fōg, -fag/ n (1904): to remove fog or condensed moisture from — de-fog-ger n

de-fol-i-ant \('dē-fō-lē-ənt/ n (1943): a chemical spray or dust applied to plants in order to cause the leaves to drop off prematurely

de-fol-i-ate \-'lē-āt/ n [LL *defolius*, pp. of *defoliare*, fr. L *de-* + *foli-* leaf] n (1901): to deprive of leaves esp. prematurely

de-force (\dē-ˈfɔrs, -ˈfɔ(ə)rs) *n* [ME *deforcen*, fr. MF *deforcier*, *de-* + *forcer* to force] (15c) 1 : to keep (as lands) by force from rightful owner 2 : to eject (a person) from possession by force — *see* also *de-facto*

de-for-est-a-tion \di-fə-'stā-shən, -fār-
process of clearing of forests; also : the state of having been cleared
forests — de-for-est \di-fə-'st, -fār-
ME *defor* : ME *defor*

de form [di'fo:ɹm], de-vo [M] deformen, n. *deformation* (Q5);
fr. L. *deformare*, tr. *de-* + *formare* 'to form'; tr. *forma* [form] (Q5);

: to spoil the form of 2 a: to spoil the looks of: DISFIGURED by bitterness b: to make hideous or monstrous 3: to shape of by stress or w: to become misshapen or changed, as syn DEFORM, DISTORT, CONTORT, WARP mean to mar or spoil b: to become deformed, distorted, contorted, warped, misshapen, or misshaped

by twisting. **DEFORM** may imply a change of shape, or some accident of growth; **DISTORT** and **CONTORT** both suggest a wrenching from the natural, normal, or justly proportioned; **TORT** suggests a more involved twisting and a more grotesque result; **WARP** indicates physically an uneven shrinking or bending or twists out of a flat plane.

de-for-mal-ize (dē-fôr-mā-līz) *v* (1800): to make less formal
de-for-ma-tion (dē-fôr-mā-shən, dē-fôr-mā-shən) *n* (15c) 1: the
form or shape; also: the state of such alteration 2: the
deforming: the state of being deformed 3: change for the
de-for-ma-tion-āl (shə-nəl, shən-ēl) *adj*
de-for-ma-tive (dē-fôr-mā-tiv) *adj* (1641): tending to deform

de-formed *adj* (15c): distorted or unshapely in form: MISSHAPE
de-for-mi-ty (di-för-mät-ē) *n*, *pl* -ties [ME *deformit*, fr. MF
fr. L *deformatiō*, *deformatiō*, *fr. deformis* deformed, fr. *de-*
(15c) 1: the state of being deformed 2: a physical blemish
tortion: DISFIGUREMENT 3: a moral or aesthetic flaw or defect
de-fraud (di-fraud) [ME *defrauden*, fr. MF *defrauder*,

de-fraud /di-'frāʊd/ *n* — **fraud** + **-fraud** → cheat, fr. fraud-, fraud [Latin]
fraudate, fr. de- + fraudare to cheat, fr. fraud-, fraud [Latin]
 deprive of something by deception or fraud *syn see CHEAT*
da-tion /di-'frō-'dā-shən/ *n* — **de-fraud**-er /di-'frōd-ər/, *n.* —
de-fray /di-'frā/ *v* (MF *deffrayer*; fr. des-de + frayer to pay)
 OF, fr. (assumed) OF *frai* expenditure, lit., damage by breach
cf. borrow → break — more

de-frost \di-'frɒst, 'dē-ʌ v (1895) 1: to release from a frozen state
meat 2: to free from ice (~ the refrigerator) ~ w: to thaw

from a deep-frozen state — de-frost-er *n*
 deft *'def(t) adj* [ME *defte*] (15c): marked by facility and skill
 DEXTEROUS — deftly *adv* — deft-ness *'def(t)-nəs n*
 de-funct *'di-fəŋ(k)t adj* [L *defunctus*, fr. pp. of *de-fungi* to finish
 de- + *fungi* to perform — more at FUNCTION] (1599): having
 the course of life or existence (her ~ aunt's will) (the commi-

de-fuse /'di:fu:z/ vt (1943) 1: to remove the fuse from (a bomb) 2: to make less harmful, potent, or tense: CALM (*de-fused the situation*)

challenge /ˈtʃælɪndʒ/ *n.* 1 : a demand or request for proof of skill or strength to combat 2 : to challenge to do something considered difficult or dangerous
challenging /ˈtʃælɪndʒɪŋ/ *adj.* 1 : requiring great effort or courage to overcome 2 : to challenge to do something considered difficult or dangerous
challengeable /ˈtʃælɪndʒəbəl/ *adj.* 1 : open to question or dispute 2 : DARE 3 : to confront with assured power of resistance
GARD (~ public opinion) 4 : to resist attempts at : WITHSTAND
paintings ~ classification)
defy /di-ˈfi-, ˈdē-/ *v. tr.* 1 : to defy (1580); CHALLENGE, DEFIANCE
to me he had no other answer than ad [E, fr.] pp. of *dégager* to redeem a p

de-gas /'dɛ-'gæs/ w (1920): to remove gas from (~an electric bulb)
de-gas /'dɛ-'gæs/ n (1943): GAULLEISM —

de-gauiss ('dē-gauis) *v* [de- + gauis, after Karl F. Gauss] (C)
: to make (a steel ship) effectively nonmagnetic by means of
coils carrying currents that neutralize the magnetism of the
: DEMAGNETIZE — de-gauis-er *n*

degenerate 2: the process of becoming degenerate 3: sen-
sion 4: the coding of an amino acid by more than one c-
genetic code
degenerate ['di-jen-(ə)'ræt] adj [ME *degenerat*, fr. L *dege-*
degenerate to degenerate, fr: de- + *genus*, genus/race, kin-
degenerate in nature, characteristic

at KIN] (15c) 1 a: having declined us in historical development or function from an ancestral or former state b: having a condition below that which is normal to a type; esp: having a lower and usu. peculiarly corrupt and vicious state c: being mathematically simpler (as by having a factor equal to zero) than the typical case (the graph of a second order curve is simpler than that of a third order curve)

tion yielding two intersecting lines is a ~ hyperbola; ionized by atoms stripped of their electrons and by very great matter); also : consisting of degenerate matter (a ~ star) ing two or more states or subdivisions (~ energy level) conductor : having a sufficient concentration of impurities elements. 5. : having more than one codon representing

de-generate [di-'jen-ə-rāt] v (1545) 1: to pass from a lower type or condition: DETERIORATE 2: to sink into a tawdry or moral state 3: to decline in quality (his poetry) 4: to decline from a condition

degenerate (di-'jen-(-ə)-rat) *n* (1555): one that is degenerate

degeneration (dĕ-jen-ə-'rā-shən, dĕ-'n (15c). 1: degeneration 2: a lowering of effective power, vitality, or essential strength 3: a lowering or worsening of kind or state 4: intellectual or physical deterioration 5: progressive deterioration of physical characteristics

decline, 4, 5, 1, p. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 8

flawort *flaw-ort*, *-wôrt* [ME *flawort*, fr. OE *flawort*, fr. *fla* + *wort* herb, root — more at **ROOT**] (bed. 12c): any of three *Cleome* plants (esp. *Plantago psyllium*) whose seeds are sometimes used as a mild laxative — compare **PSYLLIUM** **SEED**

flicker *flīk-er*, *flīk-er* [F. lit. *flīk-er*] (1840): **SPRIG** esp. a slender spire above the intersection of the nave and transepts of a church

flickette *flīk-ē-tē*, *flīk-ē* [F. lit. *flīk-ē*, dim. of *flick* arrow, fr. OE *flicca*, of *flicca* origin; akin to MD *flicke* arrow, OE *flicgan* to fly (1912): a small dark-backed projectile that is clustered in an explosive warhead, dropped as a missile from an airplane, or fired from a hand-held gun

flick *flīk*, *flīk* [back-formation fr. *flicked* spotted, fr. ME *prob.* fr. ON *flicka* fr. *flicka* spot — more at **PLAY**] (14c): **STREAK**, *spot* (white-cap) — *see the blue cap*

flicker *flīk-er*, *flīk-er* (1598) **1**: SPOT, MARK (a brown (twoed with ~ of yellow) **2**: FLICK, PARTICLE (~ of snow drifted down)

flection *flīk-shən* [fr. *flex* (capable of flying), fr. ME *flexio*, fr. OE *flexio*, akin to *flex* (capable of flying), OE *flexio* to flex — more at **FLY** v. of bird (1560): a turn away from danger or fear for flight ~ *vt* 1: to rear until ready for flight or independent activity **2**: to cover with or as if with feathers or down **3**: to furnish (as an arrow) with feathers

fledgling *flīd-jīng* (1839) **1**: a young bird just fledged **2**: an immature or inexperienced person **3**: one that is new (a ~ company in the industry)

flex *flēx*, *flēx* [ME *flex*, fr. *flex* [ME *flex*, fr. OE *flex*; akin to OHG *flectan* to flex (v. of bed. 12c) **1**: to run away often from danger or evil **FLY** **2**: to hurry toward a place of security **3**: to pass away swiftly: VANISH (mist ~ing before the rising sun) ~ *vt* 1: to run away from: SMIRN

flexee *flēx-ē* [ME *flex*, fr. OE *flex*; akin to MHG *fließen* *fließen*, L *plumbe* leather, down (bed. 12c) **1**: a coat of wool covering a wool-bearing animal (as a sheep) **2**: the wool obtained from a sheep at one shearing **3**: a any of various soft or woolly coverings **4**: a soft bulky downy knitted or woven fabric used chiefly for clothing

flexee *flēx-ē*, *flēx-ē* (1537) **1**: a to strip of money or property by fraud or extortion **2**: to charge excessively for goods or services **3**: to remove the flesh from: **SKEAR** **3**: to dot or cover with fleecy masses

fleeced *flēx-ēd* (1580) **1**: covered with or as if with a fleece **2**: of a textile: having a soft nap

fleece *flēks*, *flēks* [ME *fo* *flēches* *flēks* (14c): COAT, WHERRE *flēks* (1840): a wool or flock of deer, deer (15c): COVET, WHERRE *flēks* (1840): a wool or flock of deer, deer (15c): COVET, WHERRE *flēks* (1840): a wool or flock of deer, deer (15c): COVET, WHERRE

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flesh fly *n* (14c): a two-winged fly whose maggots feed on flesh; esp. of a family (Sarcophagidae) of flies some of which cause myiasis

flesh *flēsh*, *flēsh* [ME *flēsh*, *flēsh* (14c): the state of being fleshy; COAT, WHERRE *flēsh* (1840): a wool or flock of deer, deer (15c): COVET, WHERRE

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1/6

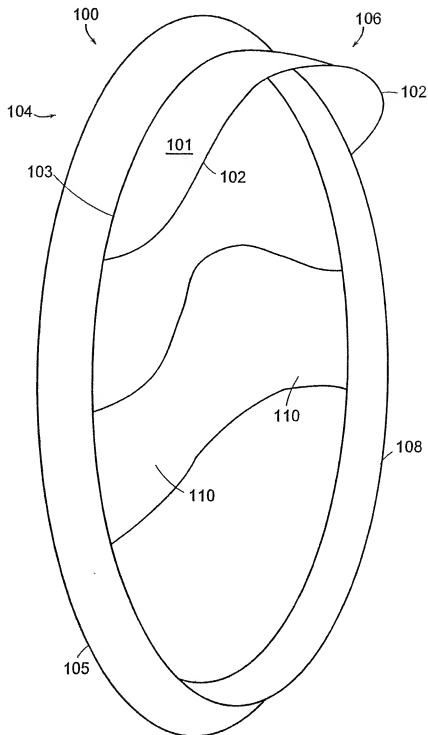


FIG. 1

2/6

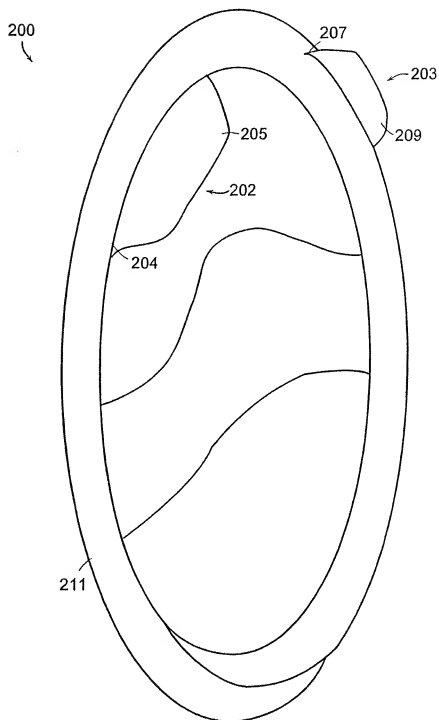


FIG. 2

3/6

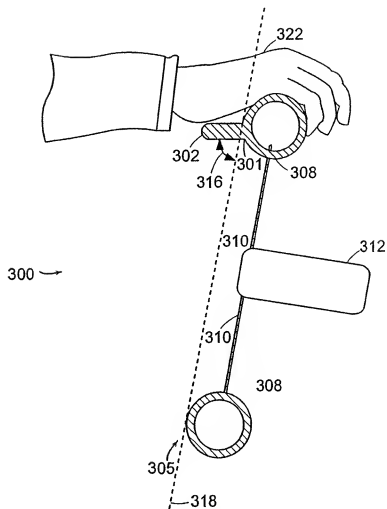


FIG. 3

4/6

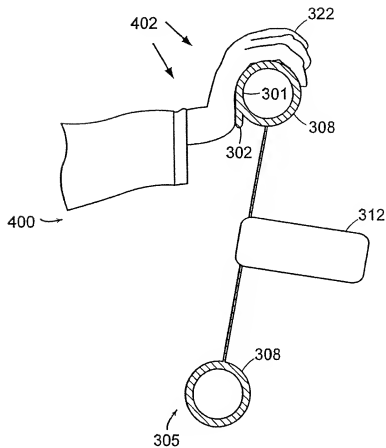


FIG. 4

5/6

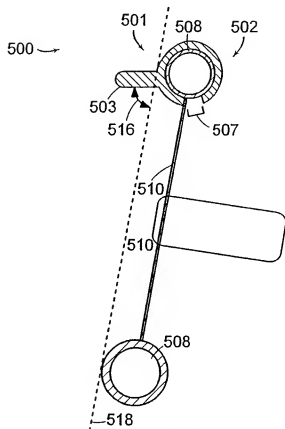


FIG. 5

6/6

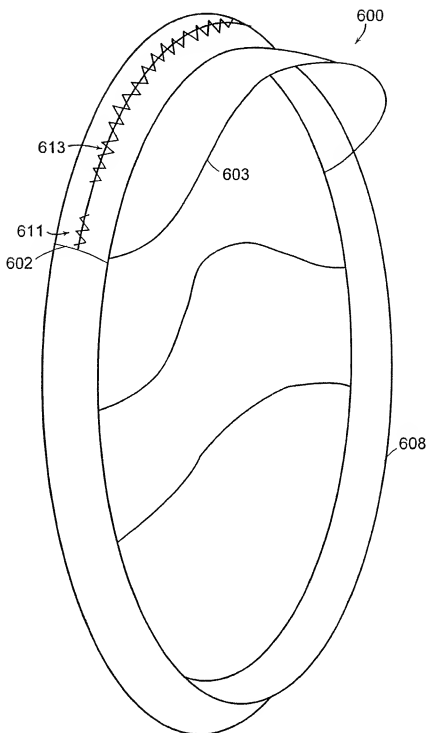


FIG. 6

(EVIDENCE APPENDIX)

ATTACHMENT D



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,306	12/03/2003	Douglas B. Wilson	114089.120	5202

23483

7590

07/14/2006

WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

LUONG, VINH

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



WILMER CUTLER PICKERING
HALE and DORR LLP DOCKETING
RE: 114089.120/5202
Action Date: _____
Action to be Taken: _____
Docketed By: BLB On: 7-8-06

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/727,306

Applicant(s)

WILSON, DOUGLAS B.

Examiner

Vinh T. Luong

Art Unit

3682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

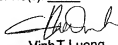
4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 14-19, 24/14, 27.
Claim(s) withdrawn from consideration: 20-23, 14/20, 25, 26, 28.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.



Vinh T. Luong
Primary Examiner

Continuation of 11.

See the reasons set forth in the final Office action on March 30, 2006. In addition, regarding Applicant's reliance on extrinsic evidence, e.g., Webster's Dictionary, the Examiner respectfully submits that the specification is the single best guide to the meaning of a claim term. *Phillips v. AWH Corp.*, 75 USPQ2d 1321 (Fed. Cir. 2005)(en banc). Moreover, Applicant's arguments are similar to the arguments presented in copending Application No. 10720821, the Examiner's response in the final rejection on May 9, 2006 of Appl.'821 is incorporated herein by reference.

Continuation of 13. Other:

The replacement drawings filed on June 26, 2006 are accepted by the Examiner.



Vinh T. Luong
Primary Examiner

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/727,306

Examiner

Vinh T. Luong

Applicant(s)

WILSON, DOUGLAS B.

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 26 June 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Vinh T. Luong

Primary Examiner

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other: Each claim has not been provided with the proper status identifier. For example, claims 20-23 are withdrawn, however, Applicant identified these claims as "Previously Added."

A handwritten signature in black ink, appearing to read 'Vinh T. Luong', followed by a long horizontal line extending to the right.

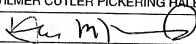
Vinh T. Luong
Primary Examiner

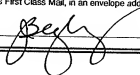
(EVIDENCE APPENDIX)

ATTACHMENT E

PTO/SB/21 (09-04)
 Approved for use through 07/31/2006. OMB 0651-0031
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/727306-Conf. #5202	
	Filing Date	December 3, 2003	
	First Named Inventor	Douglas B. WILSON	
	Art Unit	3682	
	Examiner Name	V. Luong	
Total Number of Pages in This Submission	19	Attorney Docket Number	0114089.00121US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Amendment and Response to Notice of Non-Compliant Amendment Post Card
Remarks: _____		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	WILMER CUTLER PICKERING HALE AND DORR LLP	
Signature		
Printed name	Wayne M. Kennard	
Date	7/31/06	Reg. No. 30,271

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.		
Dated: 7/31/06	Signature: 	(Jody Begley)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wilson

Examiner: Vinh Luong

Serial No.: 10/727,306

Art Unit: 3682

Filing Date: December 3, 2003

Attorney Docket No.: 114089-120

For: FATIGUE RELIEVING SUPPORT FOR STEERING WHEELS AND
THE LIKE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 7/31/16

Signature: 

(John Begley)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE
TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

Applicants submit the following timely response to the Notice of Non-Compliant Amendment mailed July 14, 2006. Please amend the application as provided below.

This Response places the application and the claims therein, in condition for allowance.

In this Response, the amendments to the specification begin on page 2.

The amendments to the claims begin on page 5.

The Remarks begin on page 8.

Specification:

Page 2, please rewrite the third full paragraph as follows:

The system of the present invention will include at least one part that extends outward at an angle from a plane across the face of the steering wheel or vehicular control. This part is at least partially deformable in at least one direction, so that the system will not interfere with the operation of the wheel or control. This deformability, however, will not impede the support function of the system on the invention. Furthermore, the deformable material has memory, so that after a deforming force is removed, it resumes its original predeformation configuration and shape, which is extending outward at an angle from a plane across the face of the steering wheel or vehicular control.

Page 3, please rewrite the seventh full paragraph as follows:

Deformable ~~material~~ second section 102 extends outward from steering control 105 over a predetermined section of the steering control, which is shown in Figure 1 to be an arc. As is better shown in Figure 3, a deformable second section such as 102 extends outward at an angle from a plane across the face of a steering control such as 105. Deformable second section 102 may extends outward from the steering control at or below the inside circumference of the control over the predetermined arc. This arc will typically include at least the ten 104 and two 106 o'clock positions, or may include the entire circumference.

Page 4, please rewrite the fourth and fifth full paragraphs as follows:

The first system of the present invention at 202 includes first section 204 that connects to steering control 211 and second section 205 that extends outward from first section 204. Further, a second section such as 205 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 204 may be rigid, semi-rigid, or deformable, while second section 205 is deformable. If the first section is deformable, it may have memory.

Similarly, the second system of the present invention at 203 includes first section 207 that connects to steering control 211 and second section 209 that extends outward

from first section 207. Further, a second section such as 209 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 207 may be rigid, semi-rigid, or deformable, while second section 209 is deformable. Again, if the first section is deformable, it may have memory. Further, second sections 205 and 209 may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

Page 5, please rewrite second full paragraph as follows:

Referring to Figure 3, generally at 300, steering control 305 is shown that includes rim 308, spokes 310, and steering column 312. First section 301 is formed integral with rim 308 and deformable second section 302 extends outward from the first section. As is shown, second section 302 extends outward at angle 316 from plane 318 across the face of steering control 305. The material of second section 302 has sufficient strength that when driving, the driver may rest his/her wrists or portions of the hands 322 on the material and they will be supported. The structure is such that the weight of the arms and hands through the wrists or portions of the hands are supported without the material deforming.

Page 6, please rewrite the second and third full paragraphs as follows:

Referring to Figure 5, generally at 500, a second embodiment of the present invention is shown. System 501 of the present invention shown in Figure 5 includes a first section 502 that detachably connects to steering control rim. Deformable second section 503 connects to, and extends outwardly from, first section 502. As is shown, deformable second section 503 extends outward at angle 516 from plane 518 across the face of steering control rim 508. First section 502 may snap-on or otherwise attach to the steering control such that it may appear integral with the steering control. One of many possible known means for accomplishing this is by first section 502 being mostly rigid, and leaving a space 507 so the attachment can be forced over rim 508 and leave room for the steering control spokes 510. Regardless of the means for attachment, once first section 502 is attached to the steering control, it will provide all of the benefits that have been described for the first section being integrally formed with the rim. Additionally,

the second embodiment, may be a single structure with a single resting material support, a single structure with multiple resting supports, or multiple structures each with its own resting support. As in the other embodiments, the second section may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

By way of example, Figure 6, generally at 600, shows another alternate method to attach the system of the present invention to steering control rim 608. The system in this figure has first section 602 that will envelop rim 608. First section 602 may be made from a flexible material. First section 602 may have a slit 611, which after this section envelops the rim, may be stitched shut by stitches 613. As in the other embodiments of the present invention, deformable second section 603 connects to, and extends outwardly from, first section 602. Further, a deformable second section such as 603 extends outward at an angle from a plane across the face of a steering control rim such as 608 (see Figures 3 and 5). Again, the second section may be rigid, semi-rigid, or non-deformable and still be within the scope of the present invention.

In the Claims

1-13. (Cancelled)

14. (Previously Presented) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

a first section that connects to a peripheral portion of the steering wheel; and

a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

15. (Currently Amended) The apparatus as recited in claim 14, wherein the steering wheel includes a the steering wheel for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

16. (Previously Presented) The apparatus as recited in claim 14, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

17. (Currently Amended) The apparatus as recited in claim 14, wherein the first section extends a predetermined length of a ~~predetermined~~ the peripheral portion of the steering wheel.

18. (Previously Presented) The apparatus as recited in claim 14, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

19. (Previously Presented) The apparatus as recited in claim 17 or 18, wherein the first section is deformable.

20. (Withdrawn) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

at least two discrete first sections that each connect to a peripheral portion of the steering wheel, and

a discrete rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from each first section at a peripheral portion of the steering wheel, each second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, each second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operator the steering wheel when pressure form the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel..

21. (Withdrawn) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, aircraft or ground transportation vehicle.

22. (Withdrawn) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

23. (Withdrawn) The apparatus as recited in claim 20, wherein the apparatus is adjustable for supporting different sizes or types of body portions.

24. (Currently Amended) The apparatus as recited in claim 14-~~or~~20, wherein each first section is formed integral with the steering wheel.

25. (Withdrawn) The apparatus as recited in claim 14 or 20, wherein each first section is detachable from the steering wheel.

26. (Withdrawn) The apparatus as recited in claim 20, wherein each first section is deformable.

27. (Previously Presented) The apparatus as recited in claim 14, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

28. (Withdrawn) The apparatus as recited in claim 20, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

Remarks

I. Introduction

This Amendment supersedes the amendment mailed June 26, 2006, and is responsive to the notice of non-compliant amendment.

Claims 14-19, 24/14, and 27 are pending in the present application. The Examiner has recited several grounds for objecting to and rejecting the present application. Examiner objected to the drawings for not including representations to the angular disposition of second section of the fatigue/relieving apparatus. In view of this objection to the drawings, the Examiner objected to the specification. The Examiner also has objected to claims 14-19, 24/14, and 27 for indefiniteness under 35 U.S.C. 112, second paragraph. Lastly, the Examiner rejected pending claims 14-19, 24/14 and 27 under 35 U.S.C. 102(b) for anticipation based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; or Laubach, U.S. Patent No. 1,575,848. Applicant will demonstrate herein that the objections and rejections have been overcome by this Response, thereby placing the present application in condition for allowance.

II. The Corrected Drawings Overcome the Examiner's Objection

On page 3 of the Office Action, the Examiner objected to the drawings because "each part of the invention, e.g., the angle and the face in claim 14 should be designated by a reference numeral or character." Applicant has corrected the drawings as requested by the Examiner (Attachment B). Applicant respectfully submits six (6) Replacement Sheets of drawings. These changes to the drawings do not add new matter. As such, Applicant has traversed the Examiner's basis for objection to the drawings.

III. The Specification, As Amended, Overcome the Examiner's Objection

On page 4 of the Office Action, the Examiner objected to the specification for "failing to provide proper antecedent basis for the claimed the subject matter, such as, 'an angle,' in claim 14." Applicant has amended the specification to overcome this objection.

These amendments do not add new matter. Therefore, this objection should be withdrawn.

IV. The Claims, As Amended Are Definitive.

On page 3 of the Office Action, the Examiner contends that the terms “rigid,” “semi-rigid,” “flexible,” or “non-deformable” in claims 14 and 17 are indefinite. Applicant submits that these terms would be understood by a person of ordinary skill in the art in light of the present invention.

The Examiner contends that 14 and 17 are indefinite under 35 U.S.C. §§ 112, second paragraph, because of the recitation of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” In particular, the Examiner asserts that these terms are indefinite because these terms “[are] not defined by the claim, the specification does not provide a standard for the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.” Further, the Examiner contends that “it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as terms “rigid,” semi-rigid, or flexible, or non-deformable.” Applicant submits that the claims are definite as will be shown.

Claims 14 and 17, include the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” Applicant has attached as Attachment A excerpts from the Ninth New Collegiate Dictionary. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use the present invention. The attached excerpts make plain that a person of ordinary skill in the art would clearly understand the scope of the claims when “rigid,” “semi-rigid,” or “flexible,” or “non-deformable,” is used. As such, claims 14 and 17 would be definite in the hands of a person of ordinary skill in the art. Noting this, Applicant overcomes the Examiner’s indefiniteness rejection under 35 U.S.C. § 112, second paragraph, as to the use of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable,” and respectfully requests that this rejection be withdrawn with regard to claims 14 and 19.

The Examiner also rejected claims 15 and 17 for allegedly having no anticipated basis for the terms “a steering wheel” and “a peripheral portion of the steering wheel,”

respectively. Applicant has amended the claims to remove any possible confusion on the part of the Examiner with regard to overcoming this obviousness rejection.

Noting the foregoing, Applicant has traversed each of the Examiner's basis for rejecting the claims for indefiniteness under 35 U.S.C. 112, second paragraph.

V. Claims 14-19 Are Not Anticipated Under 35 § U.S.C. 102(b)

Claims 14-19, 24/14 and 27 are pending in the present application. In the current Office Action, claims 14-19, 24-14 and 27 have been rejected by the Examiner for anticipation under 35 U.S.C. § 102 (b) based on a three references. These references are U.S. Patent No. 1,575,848 to Laubach ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically, the Examiner relied on Van Arsdel or Anson for rejecting claims 14-17, 19/17, 24/14 and 27; and Laubach for rejecting claims 14, 18 and 19/18. Hereinafter, Applicant will demonstrate that claims 14-19, 24/14, and 27, as presently amended, place the present application in condition for allowance and the application should be passed to issue.

A. Applicable Law

In order for there to be anticipation under 35 U.S.C. § 102, a single prior art reference must show each and every feature of the claimed invention in the same way. . *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("To anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation"). Applicant submits that neither Van Arsdel, Anson, nor Laubach satisfy this standard for finding anticipation under 35 U.S.C. § 102(b).

B. Van Arsdel Does Not Anticipate Claims 14-19, 24/14, and 27

Claim 14 is an independent claim and claims 15-19, 24/14, and 27 depend from claim 14. As such, claims 15-19, 24/14, and 27 add features to claim 20.

In relying on Van Arsdel, the Examiner does not cite to any descriptions of the auto steering wheel handgrip disclosed in this reference but annotates the drawings for this purpose. Specifically, the Examiner annotated Figures 3 and 5 in an attempt to show

what is being claimed in claim 14. The Examiner states that reference no. 4 equates to the first section and reference no. 2 equates to the second section of claim 14. Applicant submits that the Examiner fails to consider and appreciate all of the elements of the second section because if he did, two things would be clear (i) the grip-rest is in a plane parallel with the one across the face of the steering wheel and (ii) there is a missing element.

Van Arsdel at column 2, lines 13-54 states:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across the steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 of the rear end of the concave, located above the rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a straight course and gives him something substantial to push against in resistance and also in rotating the wheel to steer the car around corners and curves and away from obstructions or bad places in the roadway.

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers, which are wrapped around the rim of the wheel, and increase the fingerhold [on] the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges, here shown as three in number, 6, 7, and 8.... [See Figure 4]

The weight of the hand and arm are comfortably supported with the bottom of the hand resting in the concavity of the grip-rest as shown in Fig. 1, or with the ball of the thumb seated in the concavity as shown in Fig. 2....

My improved grip-rest may be formed integral with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it removable as an attachment for any make of car and also to make it adjustable to suit the requirements or fancy of the driver. [Emphasis added]

A review of Figures 3 and 5, as annotated by the Examiner, attempts to show that the grip-rest of Van Arsdel is disposed outward at an angle α to a plane across the face of the steering wheel shows that the Examiner's position is misplaced. As the description above from Van Arsdel indicates, the grip-rest is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it. This is very clear because in each disposition of the grip-rest in the Figures, it is fixed in this parallel plane

to support the thumb or part of the palm. It is also fixed so that it is not deformable so the driver can put extensive pressure on it (and it will not move) for steering the automobile (See underscored sections in the quotation above).

If the grip-rest were supposed to be at an angle commensurate with the present invention as the Examiner contends, its disposition would be shown differently in the drawings. As such, there is not support for the Examiner's contention that the grip-rest is disposed other than in the plane parallel to the plane across the form of the steering wheel. Accordingly, one skilled in the art would not understand the grip-rest in Van Arsdel to be disposed as the Examiner contends.

There is also no support in the description of the grip-rest in Van Arsdel that it will deform in any way out of interference with the operation of the steering wheel. Applicant submits he is justified in taking this position given the description of the connection of the grip-rest as shown in Figure 6 or the integrally formed grip-rest shown in Figure 8. Therefore, the grip-rest of Van Arsdel would not anticipate the invention as set forth in claim 14 because it is missing at least one element, i.e., Van Arsdel at least does not teach or suggest the features of the second section being deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Noting in the foregoing, Applicant has demonstrated that the auto steering wheel grip-rest of Van Arsdel does not anticipate (or render obvious) the invention of claim 14. Accordingly, Applicant respectfully requests that the anticipation rejection based on Van Arsdel be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel for the same reasons that claim 14 is not anticipated by this patent. Thus, Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

C. Anson Does Not Anticipate Claims 14-17, 19/17, 24/14, and 27

The Examiner has rejected claims 14-17, 19/17, 24/14, and 27 for anticipation based on Anson. Referring to the Figures of Anson, the Examiner states that reference

no. 13 equates to the first section and reference no. 11 equates to the second section of claim 14. The Examiner has annotated Figure 8 to indicate that the steering wheel attachment of Anson is disposed at an angle α with respect to a plane across the face of the steering wheel. Before addressing the Examiner's basis of rejection, Applicant submits that the description of the steering wheel attachment of Anson is germane to the Examiner's position on anticipation. Applicant also submits that if this description is taken into consideration, the Examiner should withdraw the anticipation rejection based on Anson.

In the description of the purpose of the steering wheel attachment in Anson, the patent states (Page 1, left column, lines 6-25):

I have found that in the driving of an automobile and particular when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel in positions which require the driver's arms to remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue, such as will frequently dull the driver's normal reflexes and alertness and thereby increase the danger of accidents.

To obviate these disadvantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

The steering wheel attachment of Anson is subsequently described in the patent. The following description is stated (Page 1, right column, line 49 – Page 2, left column, line 18):

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downward from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11...which will have sufficient pliability...to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively

communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Applicant submits that the steering wheel attachment of Anson does disclose all of the elements of claim 14. As set forth in the quotation above, the steering wheel attachment of Anson is a pliable structure that dangles downward from the bottom of the steering wheel. It is further understood from the quotation above that in use the steering wheel attachment is grasped by the driver's hand while the arms and hands are resting in the driver's lap. There is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use. The other dispositive of the hand grip at the top of rim is for situations where it is removed from use.

The Examiner has cited Anson at Page 2, Left Column, Lines 62-72, as teaching the deformability element of the second section in claim 14. As the quotation above demonstrates, when the Anson handgrip is in use, it is in the pendent position and used to steer the vehicle. If, during normal operations, the driver were to grab the steering wheel in an emergency situation, he would release the handgrip and grab the wheel, for example, at the 10 and 2 o'clock positions. In doing so, the pendent-hanging handgrip would not be deformed as set forth in claim 14 because it would not be in use. Moreover, if it were used, it would not be deformed out of interference but would be held to steer the vehicle.

The Examiner has stated the handgrip of Anson equates to deformation according to claim 14 because it may be moved from the bottom pendent position to the top of the steering wheel. When the handgrip is moved to the top, it is moved there to be purposefully out of use all the time so it will not be in a position to be deformed as set forth in the second section of claim 14.¹ In order to move the handgrip, it would be understood that the vehicle would have to be stopped, the handgrip detached and repositioned at the top, and reattached.

Given the foregoing, the steering wheel attachment of Anson at least does not indicate the element of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not

¹ Anson, page 2, left column, lines 68-72.

teach that the attachment will be deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Anson and requests that the anticipation rejection based on this patent be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Anson for the same reasons that claim 14 is not anticipated by this patent. Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

D. Laubach Does Not Anticipate Claims 14, 18, and 19/18

The Examiner has rejected claims 14, 18, and 19/18 for anticipation based on Laubach. In formulating the rejection based on Laubach, the Examiner has not relied on any part of the disclosure in that patent but has annotated the drawings to allegedly show that Laubach teaches each and every feature of claim 14. The Examiner states that reference nos. 7 and 8 of the knob 2 equates to the first section and reference no. 10 equates to the second section of claim 14. Applicant submits that the Examiner's reliance on Laubach is misplaced.

Laubach states the following with regard to the knobs attached to the steering wheel (Page 1, line 43 – 71):

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knobs 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1....

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and preventing the actual slippage of the hand of the operator from the knob 2. [Emphasis added]

The Examiner has annotated the drawings to attempt to show that enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel. This is not supported.

The hands of the driver are supported by gripping the knobs in the defined finger recesses shown in the drawings. The heads 10 are enlarged for this sole purpose of preventing the hands from slipping off of the knobs. The heads 10 clearly are not disposed at an angle outward of the plane across the face of the steering wheel but are placed at the end of the knobs solely to act as a stop. Further, the heads 10 are not deformable out of interference with the operation of the steering wheel as set forth in claim 14. They are fixed in place along with the rest of the knobs.

The description of the knobs and a review of the Figures makes plain that the knobs are not deformable and they are not disposed at an angle with respect to the a plane across the face of the steering wheel. The knobs are rigidly connected to the steering wheel by screws 5. Any movement of them requires removing the screws, drilling the wheel at a new location, and reattaching the knobs at the new location. At this new location, the knobs will in a plane parallel to the plane across the face of the steering wheel.

The knobs do not deform out of interference with the operation of the steering wheel as in the second section of claim 14. In fact, once the Laubach knobs are secured by screws 5 as shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them.

Therefore, Laubach at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel and the knobs of Laubach do not deform out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Laubach and requests that the anticipation rejection based on this patent be withdrawn.

Claims 18 and 19/18 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons that claim 14 is not anticipated by this

patent. Therefore, Applicant has traversed the Examiner's bases for rejecting claims 18 and 19/18 for anticipation and respectfully requests that this rejection be withdrawn.

Please charge any fees which may be due, or credit any overpayments, to our Deposit Account No. 08-0219.

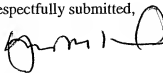
III. Conclusion

In this Response, Applicant has traversed Examiner's (i) objection to the drawings, (ii) objection to the specification, (iii) and anticipation rejections under 35 U.S.C. 102(b) based on either Van Arsdel, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; and Laubach, U.S. Patent No. 1,575,848. As such, Applicant has placed the present application in condition for allowance.

The present invention is new, non-obvious and useful. Reconsideration and allowance of the claims are respectfully requested.

Dated: 7/31/06

Respectfully submitted,



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(EVIDENCE APPENDIX)

ATTACHMENT F

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,821	11/24/2003	Douglas B. Wilson	114089.120	5355

23483 7590 05/09/2006

WILMER CUTLER PICKERING HALE AND DORR LLP
 60 STATE STREET
 BOSTON, MA 02109

EXAMINER

LUONG, VINH

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

WILMER CUTLER PICKERING
 HALE and DORR LLP DOCKETING

RE: 114089.120 US2

Action Date: 8/9/06

Action to be Taken: Final Office Action

Docketed By: ryc On: 5/11/06



Office Action Summary

Application No.

10/720,821

Examiner

Vinh T. Luong

Applicant(s)

WILSON, DOUGLAS B.

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Vinh T. Luong
Primary Examiner

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachments 1-3

1. The Amendment filed on April 5, 2006 has been entered.
2. The replacement drawings were received on April 25, 2006. These drawings are accepted by the Examiner.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 20-26 and 28/20 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Arsdel (US Patent No. 2,118,540).

Regarding claim 20, Van Arsdel teaches a fatigue relieving/preventing apparatus associated with a steering wheel 3 for controlling a vehicle comprising:

a first section 4 (i.e., horizontal section in Fig. 3) that connects to a peripheral portion 3 of the steering wheel 3; and

a second section 2 (i.e., a concave upward section in Figs. 3 and 5) that connects to and extends from the first section 4 at the peripheral portion 3 of the steering wheel 3, the second section 2 extends from the first section 4 outward at an angle (see angle α in Figs. 3 and 5 of the Attachment 1) to a plane (Att. 1) across a face to the steering wheel 3, with the second section 2 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand as seen in Figs. 1 and 2) when pressure from the portion of the vehicular operator's body on the second section 2 is less than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than

Art Unit: 3682

the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel 3. *Ibid.* right column on page 1, lines 29-54.

Regarding claim 21, the second section 2 is inherently deformable in at least one direction when deforming pressure is applied to such second section 2. Note that virtually anything will be deformed if enough pressure is applied to it. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc.*, 163 USPQ 397 (DC 1969).

Regarding claim 22, the second section 2 supports a portion of the vehicular operator's body when pressure from such body portion is applied in at least one direction.

Regarding claim 23, the steering wheel includes a steering wheel for controlling at least a nautical vessel, an aircraft, or a ground transportation vehicle.

Regarding claim 24, the second section 2 will inherently return to an original first position after deforming pressure is removed therefrom.

Regarding claim 25, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 26, the first section 4 extends a length of a predetermined peripheral portion of the steering wheel 3.

Regarding claim 28/20, the first section 4 is inherently deformable. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

5. Claims 20-26 and 28/20 are rejected under 35 U.S.C. 102(b) as being anticipated by Anson (US Patent No. 2,134,020).

Regarding claim 20, Anson teaches a fatigue relieving/preventing apparatus associated with a steering wheel 10 for controlling a vehicle comprising:

Art Unit: 3682

a first section 13 that connects to a peripheral portion of the steering wheel 10;

a second section 11 extends from the first section at the peripheral portion of the steering wheel 10, the second section 11 extends from the first section 13 outward at an angle (see angle α in Fig. 8 of Attachment 2) to a plane (Att. 2) across a face (Att. 2) to the steering wheel 3, the second section 11 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand) when pressure from the portion of the vehicular operator's body on the second section 11 is less than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 10 when pressure from the portion of the vehicular operator's body on the second section 11 is equal to or greater than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10.

Regarding claim 21, the second section 11 is deformable in at least one direction when deforming pressure is applied to such second section 11 since it is made of a flexible material such as rubber. *Ibid.* right column on page 1, lines 46-53. On the other hand, note that virtually anything will be deformed if enough pressure is applied to it. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

Regarding claim 22, the second section 11 supports a portion of the vehicular operator's body when pressure from such body portion is applied in at least one direction.

Regarding claim 23, the steering wheel 10 includes a steering wheel for controlling at least a nautical vessel, an aircraft, or a ground transportation vehicle.

Regarding claim 24, the second section 11 will return to an original first position after

Art Unit: 3682

deforming pressure is removed therefrom since it is made of a flexible material such as rubber.

Ibid. right column on page 1, lines 46-53.

Regarding claim 25, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 26, the first section 13 extends a length of a predetermined peripheral portion of the steering wheel 10.

Regarding claim 28/20, the first section 13 is deformable since it is made of a flexible material such as rubber. *Ibid.* left column on page 2, lines 19-34. See also the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

6. Claims 20, 27, and 28/27 are rejected under 35 U.S.C. 102(b) as being anticipated by Laubach (US Patent No. 1,575,848).

Regarding claim 20, Laubach teaches a fatigue relieving/preventing apparatus associated with a steering wheel 1 for controlling a vehicle comprising:

a first section 7, 8 that connects to a peripheral portion of the steering wheel 1;

a second section 10 that connects to, and extends from, the first section 7, 8 at the peripheral portion of the steering wheel 1, the second section 10 extends from the first section 7, 8 outward at an angle (see angle α in Fig. 2 of the Attachment 3) to a plane (Att. 3) across a face (Att. 3) to the steering wheel 1, the second section 10 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand) when pressure from the portion of the vehicular operator's body on the second section 10 is less than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1, and deforming out of interference with the vehicular operator's ability to operate the steering

Art Unit: 3682

wheel 1 when pressure from the portion of the vehicular operator's body on the second section 10 is equal to or greater than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1.

Regarding claim 27, the second section 10 includes at least two second sections 10 that each connects to the first section 7, 8 at separate locations (by comparing Applicant's Fig. 2 with Laubach's Fig. 1).

Regarding claims 28/20 and 28/27, the first section 10 is inherently deformable. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

7. Applicant's arguments filed April 5, 2006 have been fully considered but they are not persuasive.

Objections to the Drawings and Specification

The objections have been withdrawn in view of Applicant's replacement drawings and amendment.

Art Rejection

Van Arsdel

Applicant contended, *inter alia*, that:

A review of Figs. 3 and 5 as announced by the Examiner to attempt to show that the auto steering wheel handgrip of Van Arsdel is disposed at an angle α to a plane across the face of the steering wheel shows that the Examiner's position is misplaced. As the description above from Van Arsdel indicates, *the auto steering wheel handgrip is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it.* This is very clear because in each disposition of the auto steering wheel handgrip in the Figures, the handgrip is fixed in this parallel plane to support the thumb or part of the palm. *It is also fixed so that it is not deformable so the driver can put extensive pressure on*

Art Unit: 3682

it (and it will not move) for steering the automobile (see underscored sections in the quotation above). (Emphasis added).

The Examiner respectfully submits:

As noted in MPEP 2111, during patent examination, *claims are given their broadest reasonable interpretation consistent with the specification*. It is proper to use the specification to interpret what the applicant meant by a word or phrase recited in the claim. However, *it is not proper to read limitations appearing in the specification into the claim when these limitations are not recited in the claim*. See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994); and *Intervet America Inc. v. Kee-Vet Lab. Inc.*, 887 F.2d 1050, 1053, 12 USPQ2d 1474, 1476 (Fed. Cir. 1989). (Emphasis added).

At the outset, Applicant's arguments are not based on the limitations appearing in the claims. *In re Self*, 213 USPQ 1, 5 (CCPA 1982). In fact, Applicant's claim 1 recites "*a second section that connects to, and extends from, the first section outward at an angle to a plane across a face to the steering wheel.*" It is clear from claim 1 that it requires the second section of the handgrip, *not* the handgrip *per se*, extends from the first section outward at an angle to the plane across the face of the steering wheel. Therefore, Applicant's contention that "[a]s the description above from Van Arsdel indicates, *the auto steering wheel handgrip is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it*" is immaterial to the patentability of the claim. The issue is not whether Arsdel's handgrip disposed at an angle relative to the plane across the face of the steering wheel. Rather, the issue is whether Arsdel teaches the second section that connects to and extends from the first section outward at an angle relative to the plane across the face of the steering wheel.

In the case at hand, on page 1, right column, lines 13-28, Arsdel describes: "[t]he grip rest 2 is *concave* longitudinally and about half of the rest extends over and part way across the

Art Unit: 3682

steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 of the side, and 5 of the rear end of the *concave*, located above the rim, *extends up into a marginal flange* to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated to rest." See also Arsdel's claims 1 and 2. Arsdel's concave upward section 2 extends from the first section 4 outward at an angle α to the plane across the face of the steering wheel as seen in Figs. 3 and 8 of Attachment 1. Therefore, Arsdel's concave upward section 2 in Fig. 3 of Arsdel "reads on" Applicant's claimed second section.

In addition, Applicant's contention that Arsdel's handgrip "is also *fixed* so that it is not deformable so the driver can put extensive pressure on it (and *it will not move*) for steering the automobile" is unsupported by substantial evidence in the record. Indeed, on page 1, right column, line 49 through line 2, left column, page 2, Arsdel expressly describes:

My improved grip-rest may be formed integrally with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it *removable* as an attachment for any make of car and also to make it *adjustable* to suit the requirements or fancy of the driver. (Emphasis added).

Particularly, Applicant's contention is in direct conflict with Arsdel's description on page 2, left column, lines 28-32:

The grip rest *may be shifted* along the length of the rim, or vertically around it by reversing the screw sufficiently to permit *change of the rest to the new position*, where it will be held again by tightening up on the screw. (Emphasis added).

Simply put, Arsdel explicitly teaches that the driver may loosen the screw 14 in Fig. 6 so that it is *deformable* in order that the driver can put extensive pressure on it and *it will move* for steering the automobile.

Art Unit: 3682

The support in the description of Arsdel that it will deform out of the interference with the operation of the steering wheel is on page 2, left column, lines 28-32. By loosening or reversing the screw 14 sufficiently to permit Arsdel's second section 2 shifted or vertically around the rim 3, the second section can be at the new position wherein the second section does not interfere with the operation of the steering wheel to suit the requirements or fancy of the driver.

For the reasons set forth above, the rejection based on Arsdel is respectfully maintained.

Anson

First, on page 10 of the Amendment, Applicant argued that the steering wheel attachment of Anson teaches away from the invention of claim 20. It is well settled that "[a]rguments that the alleged anticipatory prior art is 'nonanalogous art' or 'teaches away from the invention' or not recognized as solving the problem solved by the claimed invention, [are] not germane to a rejection under section 102." *Twin Disc, Inc. v. United States*, 231 USPQ 417, 424 (Cl. Ct. 1986) and MPEP 2131.05.

Second, Applicant asserted that there is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use.

The instant assertion is likewise unsupported by substantial evidence in the record. For example, on page 1, left column, line 48 through line 32, right column, Anson expressly describes: "a means for attachment to the steering wheel, whereby *the device may be readily attached to, or removed from, the wheel, and which may be quickly and easily shifted to various*

Art Unit: 3682

positions on the wheel as dictated by the degree of driving comfort desired." Particularly, on page 2, left column, lines 62-72, Anson teaches:

At the same time, if it becomes desirable to move the attachment to a different position on the wheel rim, a slight movement of the grip portion toward the wheel rim will loosen the contact of strap 13 therewith, and the attachment can then be easily shifted to some other position on the wheel. Similarly, *the attachment may be rotated about the wheel rim* from its normal pendent position to *a position within the periphery of the wheel* when it becomes desirable to dispense with its use in operating the wheel. (Emphasis added).

As evidenced in the above quotation, Anson explicitly states that the driver may rotate Anson's attachment/handgrip about the wheel rim 10 to a position within the periphery of the wheel, *i.e.*, to a position shown in Applicant's Fig. 4 when the driver so desires. Anson's description above shows that Anson-type-attachment is operated in a similar manner to what is claimed in claim 20. As such, a person of ordinary skill in the art would find that there is a teaching in Anson in which the hands are or other body part is supported by Anson attachment as set forth in claim 20.

Third, in the same vein of arguments, Applicant argued: "the steering wheel attachment of Anson at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not teach that the attachment would deform out of interference with the operation of the steering wheel as set forth in claim 20."

However, since Anson's *attachment may be rotated about the wheel rim* from its normal pendent position to *a position within the periphery of the wheel* when it becomes desirable to dispense with its use in operating the wheel, Anson's attachment clearly is capable to be rotated

Art Unit: 3682

outward such that the second section 11 is at an angle from the plane across the face of the steering wheel and out of interference with the operation of the steering wheel as claimed. On the other hand, it is well settled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. Inter. 1987) and MPEP 2114. In the case at hand, Anson teaches all structural limitations in the claims, therefore, Applicant's contention regarding the manner in which the claimed device is intended to be employed is unpersuasive.

Laubach

Applicant contended that the knobs of Laubach are rigidly connected to the steering wheel by the screws 5, thus, the knobs are meant remain in place in operation. Nevertheless, common sense teaches that the driver can unscrew Laubach's screws 5, and then screw or fasten the screws 5 at other position on the rim 6 of the steering wheel as the driver so desires. In other words, the position of Laubach's knobs is capable of being changed. As such, Laubach's knobs can inherently perform the functions recited in Applicant's claim. *In re Schreiber*, 128 F.3d 1437, 44 USPQ2d 1429 (Fed. Cir. 1997).

Applicant further asserted that the Examiner's drawings to attempt to show the enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel is unsupported. Applicant's instant assertion is in direct conflict with the substantial evidence presented in Laubach's Fig. 2. This Fig. 2 shows that the second section of Laubach forms an angle with the face of the steering wheel as seen in Attachment 3. Note that things clearly shown

Art Unit: 3682

in reference patent drawing qualify as prior art features, even though unexplained by the specification as long as they are not inconsistent with the specification. *In re Mraz*, 173 USPQ 25 (CCPA 1972).

Finally, Applicant averred that the knob of Laubach does not deform out of interference with the operation of the steering wheel as set forth in claim 20. The Examiner respectfully submits that the driver can unscrew Laubach's screws 5, and then screw or fasten the screws 5 at other position on the rim 6 of the steering wheel such that the new position is out of interference with the operation of the steering wheel as the driver so desires. The operation to adjust or change the position of Laubach's handgrips is similar to the operation to adjust the handgrip of Arsdel since both Laubach and Arsdel use the screws as the fastening means. Since the position of Laubach's knobs is capable of being changed to be out of interference with the operation of the steering wheel, *i.e.*, Laubach's knobs can inherently performed the functions recited in Applicant's claim, therefore, Applicant's claims are anticipated by Laubach. *In re Schreiber* and *Ex parte Masham*, *supra*.

For the foregoing reasons, the rejections under the art are respectfully maintained.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3682

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

May 8, 2006



Vinh T. Luong
Primary Examiner

ATTACHMENT 1

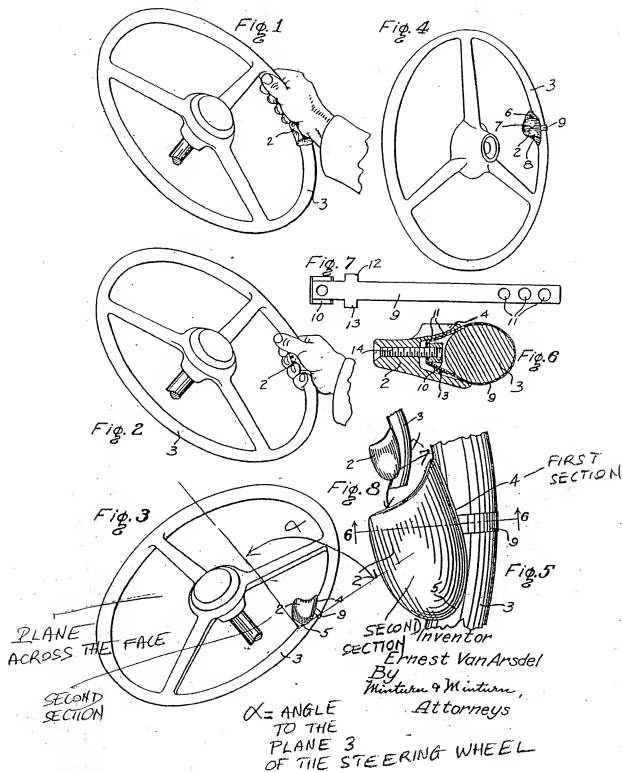
May 24, 1938.

E. VAN ARSDEL

2,118,540

AUTO STEERING WHEEL HANDGRIP

Filed May 10, 1937

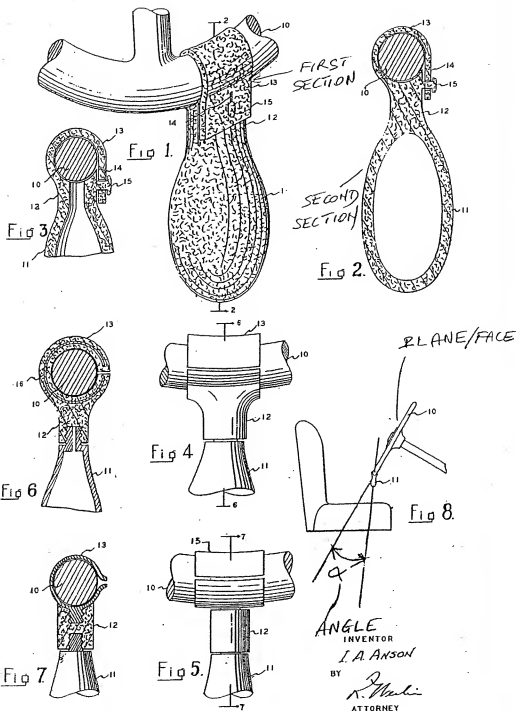


ATTACHMENT 2

Oct. 25, 1938.

I. A. ANSON
STEERING WHEEL ATTACHMENT
Filed Sept. 30, 1937

2,134,020



ATTACHMENT 3

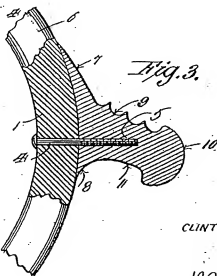
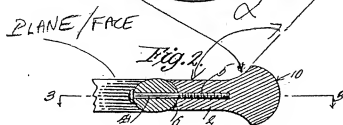
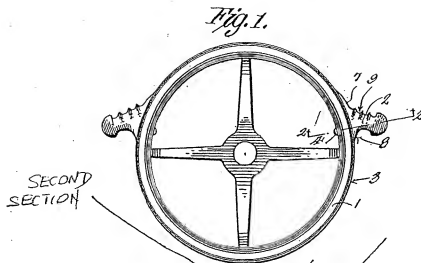
March 9, 1926.

1,575,848

C. E. E. LAUBACH

STEERING WHEEL

Filed July 13, 1925



Inventor
CLINTONE E. LAUBACH

By *Richard B. Brown*
Attorney

(EVIDENCE APPENDIX)

ATTACHMENT G



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,306	12/03/2003	Douglas B. Wilson	114089.120	5202
23483 7590 11/26/2007 WILMERHALE/BOSTON 60 STATE STREET BOSTON, MA 02109				
EXAMINER				
LUONG, VINH				
ART UNIT		PAPER NUMBER		
3682				
NOTIFICATION DATE		DELIVERY MODE		
11/26/2007		ELECTRONIC		

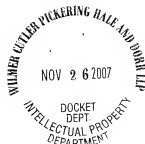
Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

michael.mathewson@wilmerhale.com
 teresa.carvalho@wilmerhale.com
 sharon.matthews@wilmerhale.com

WILMER CUTLER PICKERING
 HALE and DORR LLP DOCKETING
 RE: 114089 ~~12052~~ 12108
 Action Date: 11/26/08
 Action to be Taken: Final OA
 Docketed By: ep On: 11/26/08



Office Action Summary

Application No.

10/727,306

Applicant(s)

WILSON, DOUGLAS B.

Examiner

Vinh T. Luong

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
 4a) Of the above claim(s) 20-23, 25, 26 and 28 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 14-19, 24 and 27 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Vinh T. Luong
Primary Examiner

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 10/30/07.

- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) ☐ Notice of Informal Patent Application
 6) ☒ Other: Attachments 1-3.

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on October 30, 2007 has been entered.

2. The amendment filed on August 3, 2006 has been entered.

3. Applicant's election without traverse of the species of Figs. 1, 3, and 4 in the reply filed on January 30, 2006 in the parent application is carried over to the instant RCE application.

4. Claims 20-23, 25, 26, and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on January 30, 2006.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 14-19, 24/14, and 27/14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "rigid," "semi-rigid," "flexible," or "non-deformable" in claims 14 and 27 is a relative term, which renders the claim indefinite. The term "rigid," "semi-rigid," "flexible," or "non-deformable" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. See *Fredman v. Harris-Hub Co., Inc.*, 163 USPQ 397

(DC N III 1969)("Flexibility" and "rigidity" are relative terms, particularly since virtually any thing will flex if enough pressure is applied to it). It is unclear, e.g., what range of Rockwell hardness of the material of the second section is required so that the second section is considered as being "rigid," "semi-rigid," "flexible," or "non-deformable." In other words, it is unclear what objective test(s) is(are) required in order to determine whether the second section is "rigid," "semi-rigid," "flexible," or "non-deformable."

7. Claims 14-17, 19/17, 24/14, and 27/14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Van Arsdel (US Patent No. 2,118,540).

Regarding claim 14, Van Arsdel teaches a fatigue relieving/preventing apparatus associated with a steering wheel 3 for controlling a vehicle, comprising:

a first section 4 (i.e., a horizontal section) that connects to a peripheral portion of the steering wheel 3; and

a rigid, semi-rigid or flexible, or non-deformable second section 2 that connects to, and extends from the first section 4 at the peripheral portion of the steering wheel 3, the second section 2 extends from the first section 4 outward at an angle (see angle α in Figs. 3 and 5 of Attachment 1) to a plane (Att. 1) across a front face of the steering wheel 3, the second section 2 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 2 is less than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 3 when pressure from the portion of the vehicular operator's body on

the second section 2 is equal to or greater than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3.

Regarding claim 15, the steering wheel 3 includes a steering wheel 3 for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

Regarding claim 16, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 17, the first section 4 extends a length of a predetermined peripheral portion of the steering wheel 3.

Regarding claim 19/17, the first section 4 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexibility" in *Fredman v. Harris-Hub Co., Inc., supra*.

Regarding claim 24/14, each first section 4 is formed integral with the steering wheel 3. It is well settled that the term "integral" is not restricted to a one-piece article. The term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. See *In re Hotte*, 177 USPQ 326 (CCPA); *In re Clark*, 102 USPQ 241 (CCPA); *In re Dike*, 157 USPQ 581 (CCPA); *In re Kohno*, 157 USPQ 275 (CCPA); and *In re Morris*, 43 USPQ2d 1753, 1757 (CAFC 1997).

Regarding claim 27/14, the first section 4 is flexible, rigid, or semi-rigid, or non-deformable. See "flexibility" in *Fredman v. Harris-Hub Co., Inc., supra*.

8. Claims 14-17, 19/17, 24/14, and 27/14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Anson (US Patent No. 2,134,020).

Regarding claim 14, Anson teaches a fatigue relieving/preventing apparatus associated with a steering wheel 10 for controlling a vehicle, comprising:

a first section 13 that connects to a peripheral portion of the steering wheel 10; and
a rigid, semi-rigid or flexible, or non-deformable second section 11 that connects to, and extends from the first section 13 at the peripheral portion of the steering wheel 10, the second section 11 extends from the first section 13 outward at an angle (see angle α in Fig. 8 of Attachment 2) to a plane (Att. 2) across a front face of the steering wheel 10, the second section 11 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 11 is less than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 10 when pressure from the portion of the vehicular operator's body on the second section 11 is equal to or greater than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10.

Regarding claim 15, the steering wheel 10 includes a steering wheel 10 for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

Regarding claim 16, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 17, the first section 13 extends a length of a predetermined peripheral portion of the steering wheel 10.

Regarding claim 19/17, the first section 13 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

Regarding claim 24/14, each first section 13 is formed integral with the steering wheel 10. See *In re Hotte; In re Clark; In re Dike; In re Kohno; and In re Morris, supra*.

Regarding claim 27/14, the first section 13 is flexible, rigid, or semi-rigid, or non-deformable. See "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

9. Claims 14, 18, and 19/18, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Laubach (US Patent No. 1,575,848).

Regarding claim 14, Laubach teaches a fatigue relieving/preventing apparatus associated with a steering wheel 1 for controlling a vehicle, comprising:

a first section 7, 8 that connects to a peripheral portion of the steering wheel 1; and
a rigid, semi-rigid or flexible, or non-deformable second section 10 that connects to, and extends from the first section 7, 8 at the peripheral portion of the steering wheel 1, the second section 10 extends from the first section 7, 8 outward at an angle (see angle α in Fig. 2 of Attachment 3) to a plane (Att. 3) across a front face (Att. 3) of the steering wheel 1, the second section 10 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 10 is less than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 1 when pressure from the portion of the vehicular operator's

body on the second section 10 is equal to or greater than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1.

Regarding claim 18, the second section 10 includes at least two second sections (Fig. 1) that each connect to the first section 7, 8 at separate locations.

Regarding claim 19/18, the first section 7, 8 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexible" in *Fredman v. Harris-Hub Co., Inc.*, *supra*.

10. Claims 14-19, 24/14, and 27/14, as best understood, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20-28 of copending Application No. 10720821 (Appl.'821).

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 14-19, 24/14, and 27/14 of this application and claims 20-28 of Appl.'821 claim common structures such as a first section and a second section connected to the first section. To the extent that claims 14-19, 24/14, and 27/14 in this application call for the second section being rigid, semi-rigid or flexible, or *non-deformable*, meanwhile, claims 20-28 in Appl.'821 call for the second section being *deformable*, however, the terms rigid, semi-rigid, flexible, non-deformable, and deformable are relative terms. In fact, when the second section is rigid, semi-rigid, or flexible, it inherently is deformed if enough pressure is applied to it. Alternatively, when the second section is deformable, it inherently is flexible. See *Fredman v. Harris-Hub Co., Inc.*, *supra*. On the other hand, it is well settled that selection of known material suitable for its intended purpose would have been obvious. *In re Leshin*, 125 USPQ 416 (CCPA 1960) and MPEP 2144.07.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material of the second section claimed in claims 14-19, 24/14, and 27/14 of this application such that it is deformable as claimed in claims 20-28 of Appl.'821 in order support a portion of the vehicular operator's body as taught or suggested by common knowledge in the art. *In re Leshin, supra*.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11. Applicant's arguments filed October 31, 2006 and September 10, 2007 have been fully considered but they are not persuasive.

A. General

The Examiner respectfully submits:

As noted in MPEP 2111, during patent examination, *claims are given their broadest reasonable interpretation consistent with the specification*. It is proper to use the specification to interpret what the Appellant meant by a word or phrase recited in the claim. However, *it is not proper to read limitations appearing in the specification into the claim when these limitations are not recited in the claim*. See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994); and *Intervet America Inc. v. Kee-Vet Lab. Inc.*, 887 F.2d 1050, 1053, 12 USPQ2d 1474, 1476 (Fed. Cir. 1989). (Emphasis added).

B. The Claims are Indefinite

The rejection under 35 USC 112, second paragraph, in this case is proper because the reason is simply that during patent prosecution, the claims can be amended to remove the ambiguities. *In re Zletz*, 13 USPQ2d 1320, 1322 (CAFC 1989). In fact, our reviewing Court in *Zletz* emphasized:

An essential purpose of patent examination is to fashion claims that are *precise, clear, correct, and unambiguous*. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.

Thus, the inquiry during examination is patentability of the invention as "the applicant regards" it, and if the claims do not "particularly point out and distinctly claim", in the words of section 112, that which examination shows the applicant is entitled to claim as his invention, *the appropriate PTO action is to reject the claims for that reason*. (Emphasis added).

Regarding Appellant's reliance on extrinsic evidence, such-as, *Ninth New Collegiate Dictionary*, the Examiner respectfully submits that the specification is the single best guide to the meaning of a claim term. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 [75 USPQ2d 1321](Fed. Cir. 2005)(*en banc*). See also, *e.g.*, the meaning of the term "adjustable" in *Curtiss-Wright Flow Control Corp. v. Velan Inc.*, 77 USPQ2d 1988 (Fed. Cir. 2006). Since Appellant's specification does not provide a guidance as to, *inter alia*, (a) what type of material(s) is(are) considered to be "rigid, semi-rigid, or flexible, or non-deformable"; and (b) what objective test(s) is(are) required in order to determine whether a material is "rigid, semi-rigid, or flexible, or non-deformable." Thus, Appellant's claims are *unclear and/or ambiguous*.

C. Van Arsdel

At the outset, Appellant's arguments are not based on the limitations appearing in the claims. *In re Self*, 213 USPQ 1, 5 (CCPA 1982). In fact, Appellant's claim 14 recites "*a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section outward at an angle to a plane across a front face to the steering wheel.*" It is clear from claim 14 that it requires the second section of the handgrip, *not* the handgrip *per se*, extends

from the first section outward at an angle to the plane across the face of the steering wheel. Therefore, Appellant's contention that the grip rest of Van Arsdel is in a plane parallel with the one across the face of the steering wheel on page 8 of the brief is immaterial to the patentability of the claim. The issue is not whether Arsdel's grip rest is disposed at an angle relative to the plane across the face of the steering wheel. Rather, the issue is whether Arsdel teaches the second section that connects to and extends from the first section outward at an angle relative to the plane across the face of the steering wheel.

In the case at hand, on page 1, right column, lines 13-28, Arsdel describes: "[t]he grip rest 2 is *concave* longitudinally and about half of the rest extends over and part way across the steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 of the side, and 5 of the rear end of the *concave*, located above the rim, *extends up into a marginal flange* to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated to rest." See also Arsdel's claims 1 and 2. Arsdel's concave upward section 2 extends from the first section 4 outward at an angle α to the plane across the face of the steering wheel as seen in Figs. 3 and 8 of Attachment 1 of the final action. Therefore, Arsdel's concave upward section 2 in Fig. 3 of Arsdel "reads on" Appellant's claimed second section.

In addition, Appellant's contention that "[o]nce the grip-rest of Arsdel's handgrip is in place, it is *fixed*, and does not move" is unsupported by substantial evidence in the record. Indeed, on page 1, right column, line 49 through line 2, left column, page 2, Arsdel expressly describes:

My improved grip-rest may be formed integrally with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it *removable* as an attachment for any make of car and also to make it *adjustable* to suit the requirements or fancy of the driver. (Emphasis added).

Particularly, Appellant's contention is in direct conflict with Arsdel's description on page 2, left column, lines 28-32:

The grip rest *may be shifted* along the length of the rim, or vertically around it by reversing the screw sufficiently to permit *change of the rest to the new position*, where it will be held again by tightening up on the screw. (Emphasis added).

Simply put, Arsdel explicitly teaches that the driver may loosen the screw 14 in Fig. 6 so that it is *deformable* in order that the driver can put extensive pressure on it and *it will move* for steering the automobile.

The support in the description of Arsdel for the statement that the second section will deform out of the interference with the operation of the steering wheel is found on page 2, left column, lines 28-32. By loosening or reversing the screw 14 sufficiently to permit Arsdel's second section 2 shifted vertically around the rim 3, the second section can be at the new position wherein the second section does not interfere with the operation of the steering wheel to suit the requirements or fancy of the driver.

D. Anson

The thrust of Appellant's arguments is that Anson is missing at least the deforming element of claim 20. See first paragraph on page 12 of the brief. However, claim 20 is withdrawal claim. Therefore, the Examiner assumes that Appellant intended to mean claim 14.

The instant assertion is likewise unsupported by substantial evidence in the record. In fact, Anson's grip is made of flexible or semi-rigid material, therefore, Anson's grip is deformable or deflectable out of interference with the vehicular operator's ability to operate the steering wheel, *i.e.*, out of the normal position. See page 2, right column, and lines 25-40, quoted below:

In the modification illustrated in Figs. 4 and 6, neck 12 is constructed of a rubber composition having the same desired characteristics of pliability and semi-rigidity described in connection with the form illustrated in Figs. 1 and 2 and described above. The hand grip portion 11, however, may be made of solid material such as metal, and is detachably connected to neck 12. While this modification does not possess the degree of hand gripping comfort inherent in the principal modification, nevertheless, by virtue of the pliability and semi-rigidity of the neck portion; this type of attachment will also provide the advantages of *ready deflection from the normal position* while affording positive control of the wheel movements. (Emphasis added).

In addition, on page 1, left column, line 48 through line 32, right column, Anson expressly describes: "a means for attachment to the steering wheel, whereby *the device may be readily attached to, or removed from, the wheel, and which may be quickly and easily shifted to various positions on the wheel as dictated by the degree of driving comfort desired.*"

Particularly, on page 2, left column, lines 62-72, Anson teaches:

At the same time, if it becomes desirable to move the attachment to a different position on the wheel rim, a slight movement of the grip portion toward the wheel rim will loosen the contact of strap 13 therewith, and the attachment can then be easily shifted to some other position on the wheel. Similarly, *the attachment may be rotated about the wheel rim* from its normal pendent position to a position within the periphery of the wheel when it becomes desirable to dispense with its use in operating the wheel. (Emphasis added).

As evidenced by the above quotations, Anson explicitly states that the driver may rotate Anson's attachment/handgrip about the wheel rim 10 to a position within the periphery of the wheel, *i.e.*, to a position shown in Appellant's Fig. 4 when the driver so desires. Anson's description reveals that Anson-type-attachment is operated in a similar manner to what is claimed in claim 14. As such, a person of ordinary skill in the art would find that there is a teaching in Anson in which the hand/other body part is supported by Anson attachment as claimed.

Further, since Anson's *attachment may be rotated about the wheel rim* from its normal pendent position to *a position within the periphery of the wheel* when it becomes desirable to dispense with its use in operating the wheel, Anson's attachment is capable to be rotated outward such that the second section 11 is at an angle from the plane across the face of the steering wheel and out of interference with the operation of the steering wheel as claimed.

On the other hand, it is well settled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. Inter. 1987) and MPEP 2114. Since Anson teaches all structural limitations and the functional language in the claims. Therefore, Appellant's claims 14-17, 19/17, 24/14, and 27 are anticipated by Anson as a matter of law.

E. Laubach

Appellant contended that the knobs of Laubach are rigidly connected to the steering wheel by the screws 5, thus, the knobs are meant remain in place in operation. Nevertheless, common sense teaches that the driver can unscrew Laubach's screws 5, and then screw or fasten the screws 5 at other position on the rim 6 of the steering wheel as the driver so desires. In other words, the position of Laubach's knobs is capable of being changed. As such, Laubach's knobs can inherently perform the functions recited in Appellant's claim. *In re Schreiber*, 128 F.3d 1437, 44 USPQ2d 1429 (Fed. Cir. 1997).

Appellant further asserted that the knob of Laubach does not deform out of interference with the operation of the steering wheel as set forth in claim 14. The Examiner respectfully submits that the driver can unscrew Laubach's screws 5, and then screw or fasten the screws 5 at other position on the rim 6 of the steering wheel such that the new position is out of interference with the operation of the steering wheel as the driver so desires. The operation to adjust or change the position of Laubach's handgrips is similar to the operation to adjust the handgrip of Arsdel since both Laubach and Arsdel use the screws as the fastening means. Since the position of Laubach's knobs is capable of being changed to be out of interference with the operation of the steering wheel, therefore, Appellant's claims are anticipated by Laubach. *In re Schreiber*; *Ex parte Masham*; and MPEP 2114, *supra*.

F. Obviousness-type Double Patenting

Appellant promised on page 3 of the brief that Appellant will file a terminal disclaimer to overcome the obviousness-type double patenting rejection. Appellant's promise without consideration does not overcome the current obviousness-type double patenting.

CONCLUSION

For the above reasons, it is believed that the rejections should be sustained.

12. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

Application/Control Number:
10/727,306
Art Unit: 3682


Page 16

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

November 19, 2007



Vinh T. Luong
Primary Examiner

Application/Control Number:
10/727,306
Art Unit: 3682

Page 17

ATTACHMENT 1

Application/Control Number:
10/727,306
Art Unit: 3682

Page 18

ATTACHMENT 2

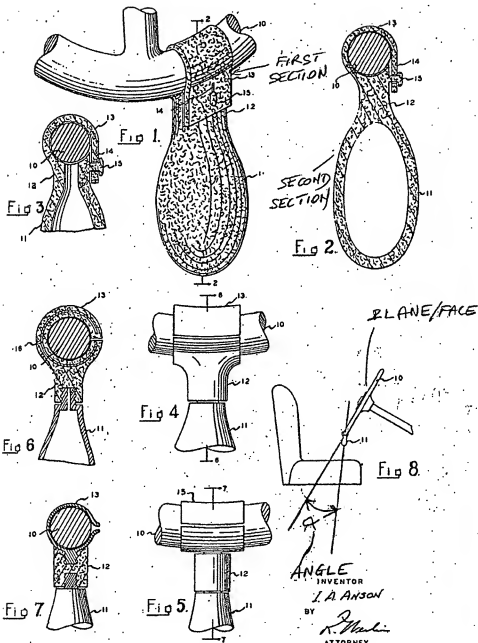
Oct. 25, 1938.

I. A. ANSON

2,134,020

STEERING WHEEL ATTACHMENT

Filed Sept. 30, 1937



Application/Control Number:
10/727,306
Art Unit: 3682

Page 19

ATTACHMENT 3

March 9, 1926.

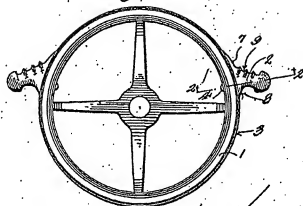
1,575,848

C. E. E. LAUBACH

STEERING WHEEL

Filed July 13, 1925

Fig. 1.



PLANE/FACE

Fig. 2.

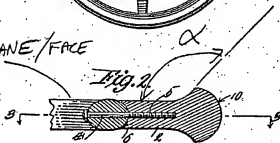
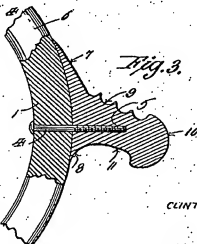


Fig. 3.



WITNESSES

Aug 1926

CLINTONEE LAUBACH

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Richard B. Brown

Attorney

Substitute for form 1449/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	10/727,308-Conf. #5202	
			Filing Date	December 3, 2003	
			First Named Inventor	Douglas B. WILSON	
			Art Unit	3682	
			Examiner Name	V. Luong	
Sheet	1	of	1	Attorney Docket Number	0114089.00121US1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
VL	AA	2002/162416A1	11/1/2002	Gemma Danny	1-19


FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	* ³
VL	BA	DE-93 17 875 U1	11-23-1993	Wu, Otto		
	BB	GB-689 546 A	03-30-1951	Anthony Cesare Anselmi		
	BC	GB-13892	03-30-1916	Americ Edwin Flaxman		
	BD	JP-2002103451A	09-04-2002	Yamaha Corp.		
✓	BE	DE-9115585.1	12-16-1991	Yoo, Tae-Woo		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³ Enter Office that issued the document, by the twipletter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
VL	CA	European Patent Office, Supplementary Search Report issued for corresponding European Patent Application No. 03783757.2 mailed November 3, 2006 (3 pages)	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	11/13/07
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Index of Claims



Application/Control No.

10/727,306

Examiner

Vinh T. Luong

Applicant(s)/Patent under
Reexamination

WILSON, DOUGLAS B.

Art Unit

3682

✓ Rejected

II Allowed

— (Through numeral)
Cancelled

+ Restricted

N Non-Elected

I Interference

A Appeal

O Objected

Claim	Date
Final	Original
1	11/19/07
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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete them.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly to ensure that the project is on track.

5. Finally, the fifth step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals to determine the effectiveness of the intervention.

Vinh T. Luong

3682

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INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

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